

for the reason that Section 52 is the emergency clause of the bill.

The resolution was read.

Senator Schwartz raised the Point of Order that the resolution seeks to change the language of the bill and is not a corrective resolution.

The President overruled the Point of Order.

Question—Shall S. C. R. No. 101 be adopted?

Welcome and Congratulatory Resolution

S. B. No. 914—By Senator Herring: Extending welcome to Carol McAnelly, et al.

Adjournment

On motion of Senator Aikin the Senate at 1:37 o'clock p.m. adjourned until 10:30 o'clock a.m. Monday, May 26, 1969.

SEVENTY-SIXTH DAY

(Monday, May 26, 1969)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Hightower, and by unanimous consent, the reading of the Journal of the proceedings of Saturday, May 24, 1969 was dis-

pensed with and the Journal was approved.

Presentation of Guest

Senator Hightower, by unanimous consent, presented Mrs. Joyce Townsend, former hostess of the Senate, who is retired and now lives in Lufkin, to the Members of the Senate.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 95, A bill to be entitled "An Act relating to the source to be used for selecting names for jury wheels in certain counties; amending Section (a), Article 2094, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 167, A bill to be entitled "An Act relating to the depth of burial graves, providing a penalty for violation; and declaring an emergency."

H. B. No. 203, A bill to be entitled "An Act relating to employee compensation for purchase of additional personal liability insurance to cover use of state-owned motor vehicle; and declaring an emergency."

H. B. No. 226, A bill to be entitled "An Act relating to the sale of beer and the consumption of alcoholic beverages on January 1; amending Subdivision (1), Section 4(c), Article I, and Section 10, Article II, Texas Liquor Control Act (Articles 666-4 and 667-10, Vernon's Texas Penal Code); and declaring an emergency."

H. B. No. 266, A bill to be entitled "An Act relating to killing or injuring certain animals; amending Article 1373-a, Penal Code of Texas, 1925; and declaring an emergency."

H. B. No. 644, A bill to be entitled "An Act amending Section 1a, Article 2350, Revised Civil Statutes of Texas, 1925, as amended, relating to expenses of county commissioners while

traveling outside of the county; and declaring an emergency."

H. B. No. 758, A bill to be entitled "An Act relating to certain criminal procedure in corporation courts; amending Article 45.01, Code of Criminal Procedure, 1965, and adding a new Article 45.031; and declaring an emergency."

H. B. No. 781, A bill to be entitled "An Act relating to the pool system of alcoholic beverages storage; amending Subdivision (c), Subsection (1), Section 15e, Article I, Texas Liquor Control Act (Article 666-15c, Vernon's Texas Penal Code); requiring free toilets on certain licensed premises; amending Subsection (3), Section 5, Article II, Texas Liquor Control Act (Article 667.5, Vernon's Texas Penal Code); and declaring an emergency."

H. B. No. 819, A bill to be entitled "An Act providing conditions to enforce forfeitures under executory contracts for conveyance of real property; providing a method of avoiding forfeiture and acceleration; and declaring an emergency."

H. B. No. 821, A bill to be entitled "An Act relating to the composition of State Representative Districts 19 and 20; and declaring an emergency."

H. B. No. 932, A bill to be entitled "An Act relating to the definition of waste of artesian water; amending Article 7602, Revised Civil Statutes of Texas, 1925, as amended, and declaring an emergency."

H. B. No. 1005, A bill to be entitled "An Act relating to the mandatory commitment and treatment of persons addicted to the use of narcotics; and declaring an emergency."

H. B. No. 1066, A bill to be entitled "An Act amending Chapter 40, Acts of the 53rd Legislature, 1st Called Session, 1954, as amended (Article 2372m, Vernon's Texas Civil Statutes) relating to the regulation of rabies; and declaring an emergency."

H. B. No. 1074, A bill to be entitled "An Act relating to the penalty for parents or guardians who fail to require their child or ward to attend school regularly; authorizing attendance records to be admitted as evidence upon presentation by any authorized employee of the school dis-

trict; amending Article 299, Penal Code of Texas, 1925; and declaring an emergency."

H. B. No. 1094, A bill to be entitled "An Act amending Chapter 305, page 726, Acts 1967, 60th Legislature to authorize and empower the Board of Directors of the Western Information Network Association or any other regional network association created and named by the Coordinating Board, Texas College and University System, to acquire, operate, maintain and equip adult and continuing education facilities and/or dormitories at or near any member institution that is a State-supported institution of higher education to be self-liquidating from revenues earned from the same, authorizing the execution of notes and bonds therefor, and authorizing the Boards of said associations to do any and all things necessary to carry out the provisions of this Act; and providing it to be the intention of the Legislature that the State of Texas shall never be called upon to supplement by emergency or general appropriations any funds of an association that might be used in the discharge of said revenue bonds or notes; providing restrictions upon the boards of such associations with reference to the funds that can be used to discharge such bonds and notes; providing that the Legislature shall never make an appropriation for the purpose of equipping and maintaining of such adult and continuing education facilities and/or dormitories; providing for the location of the principal office of the Western Information Network Association; providing for facilities for the associations at each member institution; providing severability; and declaring an emergency."

H. B. No. 1466, Providing for the addition of compensation for the District Judges of the 49th Judicial District and the 111th Judicial District of Texas; making other provisions relating thereto; and declaring an emergency.

H. B. No. 1469, Relating to the levy and collection of a maintenance tax in common school districts in certain counties; and declaring an emergency.

H. B. No. 1097, A bill to be entitled "An Act amending Section 37, Texas Probate Code, relating to passage of

title upon intestacy and under a will; and declaring an emergency."

H. B. No. 1274, A bill to be entitled "An Act relating to the election of trustees of independent school districts in certain counties; and declaring an emergency."

H. B. No. 1315, A bill to be entitled "An Act amending Acts of 1955, 54th Legislature, Chapter 123, establishing the boundaries of the Benbrook Water and Sewer Authority as those of the City of Benbrook existed on February 1, 1969, providing means of annexing additional territory to the authority and also providing that the election of directors shall be held on the first Saturday in April of each year beginning in 1970, making a finding with respect to publication; and declaring an emergency."

H. B. No. 1427, A bill to be entitled "An Act authorizing the employment of Assistant District Attorney for the Third Judicial District; and declaring an emergency."

H. B. No. 1439, A bill to be entitled "An Act relating to compensation of certain county and district officials in certain counties; amending Chapter 427, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 3883i, Vernon's Texas Civil Statutes), to add a new Section 2A; and declaring an emergency."

H. B. No. 1450, A bill to be entitled "An Act prohibiting the possession of firearms on the campus of any state-supported college or university; providing for certain exceptions; providing penalties; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Reports of Standing Committees

Senator Brooks submitted the following reports:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred H. B. No. 42, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

BROOKS, Chairman.

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred H. B. No. 792, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

BROOKS, Chairman.

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred H. B. No. 1131, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

BROOKS, Chairman.

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred H. B. No. 1088, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

BROOKS, Chairman.

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred H. B. No. 1457, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

BROOKS, Chairman.

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred H. B. No. 37, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

BROOKS, Chairman.

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred H. B. No. 1219, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

BROOKS, Chairman.
BRIDGES
MAUZY
HERRING
BERNAL

Senator Hall submitted the following report:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 1234, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman
CONNALLY
WORD

Senator Patman submitted the following reports:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to which was referred H. B. No. 856, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PATMAN, Chairman.

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to which was referred H. B. No. 764, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee

Substitute adopted in lieu thereof do pass, and be printed.

PATMAN, Chairman.

C. S. H. B. No. 764 was read the first time.

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to which was referred H. B. No. 1309, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PATMAN, Chairman.

Senator Bernal submitted the following report:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Claims, to which was referred S. B. No. 181, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass, and be printed.

BERNAL, Chairman.

C. S. S. B. No. 181 was read the first time.

Senator Hightower submitted the following report:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Contingent Expenses, to which was referred S. R. No. 817, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HIGHTOWER, Chairman
WORD
HALL
AIKIN

Senate Bill 785 With
House Amendments

Senator Cole called S. B. No. 785 from the President's Table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

Amend S. B. 785 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Section 2, Subchapter A, Chapter 288, Acts of the 59th Legislature, Regular Session, 1965 (Article 5139VV, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2. COMPOSITION. The juvenile board consists of the county judge, the judge of the Juvenile Court of Harris County, and a district judge appointed by majority vote of the district judges of Harris County, and four competent private citizens interested in juvenile affairs to be appointed by the commissioners court."

Sec. 2. Chapter 288, Acts of the 39th Legislature, Regular Session, 1965 (Article 5139VV, Vernon's Texas Civil Statutes), is amended to add a new Subchapter E to read as follows:

"SUBCHAPTER E. HARRIS COUNTY CHILD WELFARE BOARD

"Section 20. DEFINITIONS. In this subchapter, unless the context requires a different definition:

"(a) 'Board' means the Harris County Child Welfare Board.

"(b) 'Commissioners court' means the Commissioners Court of Harris County.

"(c) 'Harris County Child Welfare Unit' means the administrative organization carrying out the functions of the Harris County Child Welfare Board means the highest administrative officer of the Harris County Child Welfare Unit who is responsible to the Harris County Child Welfare Board.

"(e) 'Assistant director' means one or more administrative officers who are next in authority to the Director of the Harris County Child Welfare Unit.

"(f) 'Institution for the care and protection of dependent and neglected children' means one or more facilities designed for the care and protection of children described in Article 2330, Revised Civil Statutes of Texas, 1925, and does not include any institution designed primarily for holding and caring for children with severe medical, psychiatric, or other handicaps including severe mental retardation, serious abnormality, or incurable or debilitating disease which

requires hospital care or intensive specialized treatment or any institution designed primarily for receiving or holding and caring for incorrigible or delinquent children.

"Section 21. AUTHORITY OF BOARD OVER CERTAIN INSTITUTIONS. On approval of the Commissioners Court of Harris County, the Harris County Child Welfare Board created under Section 4, Chapter 194, Acts of the 42nd Legislature, Regular Session, 1931 (Article 695a, Vernon's Texas Civil Statutes), may assume jurisdiction, management, and control over and may determine operating policies for any county owned institution for the care and protection of dependent and neglected children.

"Section 22. TRANSFER OF FUNCTIONS. With respect to any institution for the care of dependent and neglected children over which the board has assumed control and management, the board shall perform the following functions formerly performed by the Juvenile Board of Harris County and Chief Juvenile Probation Officer of Harris County:

"(1) hire and remove employees of the institutions;

"(2) establish a general personnel policy for employees of the institutions;

"(3) pay the salaries and expenses of the employees of the institutions from funds supplied by the commissioners court under the annual budget or a supplemental budget approved by the board and the commissioners court or from funds supplied by the state or other sources;

"(4) designate the Director of the Harris County Child Welfare Unit or his specially designated assistant as the director of one or more of the institutions;

"(5) make an annual written report to the commissioners court concerning the operations and efficiency of the institutions; and

"(6) prepare an annual budget for the institutions and submit it to the commissioners court for final approval as provided by law for other agencies and departments of Harris County.

"Section 23. DUTIES. (a) In addition to but not in limitation of any authority which may be delegated to the board by the commissioners court and the State Department of Public Welfare, the board may perform the following functions:

"(1) disburse funds made avail-

able to the board from sources other than the commissioners court and the State Department of Public Welfare to aid in the care, protection, evaluation, training, treatment, education, recreation, or benefit of dependent and neglected children and refuse to accept or return all or part of any funds considered by the board to be for a purpose which is inappropriate to, burdensome on, incompatible with, or unsuited to board policies or administration of the child care program;

"(2) accept and use any gift, grant, devise, or bequest of land, money, or personal property or any beneficial interest or financial support under the terms of a trust or from any lawful source, and may hold these either directly or in trust for the use of the dependent and neglected children of the county or for institutions or services provided for the care, protection, education, or training of dependent and neglected children;

"(3) accept and disburse as provided in Subdivision (1) of this subsection fees and contributions from parents, guardians, and relatives of children who are in county-supported substitute care or custody or who are being assisted by casework, day care, or homemaker service, by medical, psychological, psychiatric, dental, or other remedial help or by teaching, training, or other services;

"(4) receive funds available for the support or benefit of dependent and neglected children in the board's legal custody, which funds may include social security benefits, life insurance proceeds, survivors' pension or annuity benefits, and other property or beneficial interests in property which may belong to or pass to the children;

"(5) account for and expend properly funds received as fees and contributions, payments by guardians, or payments for the benefit of any child in the board's legal custody; and

"(6) receive and utilize funds, grants, and assistance available to the board from any federal or state department or agency to carry out the functions and programs of the federal or state department or agency designed to aid or extend programs and operations approved by the board.

"(b) The board shall designate the Director of the Harris County Child Welfare Unit or one of his assistants to apply for letters of guardianship when necessary to carry out the purpose stated in Subdivision (3) of Subsection (a) of this section and to apply or disburse the funds collected under

the subdivision for special items of support for dependent and neglected children and for general administrative expenses related to the care of dependent and neglected children or to hold the funds in trust or apply the funds for a particular or more restricted purpose required by law or the source of the funds.

"Section 24. DELEGATION OF AUTHORITY. The board may delegate to the Director of the Harris County Child Welfare Unit or an assistant director the performance of any function and the discharge of any duty authorized or required by this Act, provided that before the annual report and annual budget are submitted to the commissioners court, the board must approve them. Any delegation made under this section is subject to periodic review by the board."

Sec. 3. REPEALER. All laws and parts of laws in conflict with this Act are repealed to the extent of the conflict.

Sec. 4. SEVERABILITY. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 5. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2

Amend S. B. No. 785 by striking all above the enacting clause and substituting in lieu thereof the following:

A BILL TO BE ENTITLED

"An Act relating to the compensation of the Juvenile Board of Harris County and to the administration and operation of programs and institutions for dependent and neglected children by the Harris County Child Welfare Board; amending Section 2, Subchapter A, and adding a new Subchapter E to

Chapter 288, Acts of the 59th Legislature, Regular Session, 1965 (Article 5139VV, Vernon's Texas Civil Statutes); and declaring an emergency."

The House Amendments were read.

Senator Cole moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Bill 701 with House Amendment

Senator Ratliff called S. B. No. 701 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Amendment 1

Amend S. B. No. 701 by adding at the end of paragraph (2) of subsection A, the following:

"Two of the original appointments by the Governor shall be for a term of six years, two for four years, and three for two years; and the Governor shall designate the terms of each. Their successors shall each be appointed for a term of six years or till the expiration of this act."

The House Amendment was read.

Senator Ratliff moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Bill 635 with House Amendments

Senator Bernal called S. B. No. 635 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Amendment No. 1

Amend S. B. No. 635 as follows:

- (1) Delete Section 2.
- (2) Renumber Section 3 as Section 4.
- (3) Add new Sections 2 and 3 to read as follows:

Sec. 2. In addition to the appropriation made from the Foundation School Fund by a General Appropriation Bill enacted by the 61st Legislature, and supplemental thereto there is hereby appropriated for the biennium ending August 31, 1971, all moneys allocated to the Foundation Program Fund by Chapter 335, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 7083a, Vernon's Texas Civil Statutes), and any balances remaining in the Foundation School Fund at the end of each fiscal year to pay the state's part of the Foundation School Program as provided for in Chapter 334, Acts of the 51st Legislature, Regular Session, 1949, as amended, by this Act.

There is hereby specifically appropriated out of the moneys in the General Revenue Fund not otherwise appropriated the amount necessary for each month if on a monthly basis, or each year if on a yearly basis, for the fiscal years of the biennium ending August 31, 1971, to pay the full amounts contemplated and provided by Chapter 335, Acts of the 51st Legislature, Regular Session, 1949, as amended, should there be insufficient money in the fund created by said Chapter 335 to carry out in full the purposes and provisions of said Chapters 335 and 334, Acts of the 51st Legislature, Regular Session, 1949, as amended by this Act. The above appropriation shall be expended under the terms and provisions of Chapters 334 and 335, as amended, and by the same officers named therein respectively.

Sec. 3. This amendatory Act shall be effective when cited in a General Appropriation Act but in no event shall the effective date be later than September 1, 1970, and thereafter.

Amendment No. 2

Amend S. B. No. 635 by adding on line 30 of the caption before "providing" the words "providing for financing;"

The House Amendments were read.

Senator Bernal moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Concurrent Resolution 102

Senator Word offered the following resolution:

S. C. R. No. 102, Requesting Parks and Wildlife Department to study feasibility of setting aside sufficient acreage of park lands for fox hunting.

Whereas, Fox hunting is an ancient and honorable sport in which the people of Texas have shown a growing interest; and

Whereas, This state has recognized the need for vast expansion and development of state parks and outdoor recreation resources, as evidenced by the \$75,000,000 program for acquisition and development of state parks and the statutory directive to the Parks and Wildlife Department to prepare, maintain, and keep up-to-date a statewide comprehensive plan for the development of the outdoor recreation resources of the state; and

Whereas, The state has always promoted hunting and fishing but has done very little in the past to encourage the sport of fox hunting, and this would be entirely consistent and in keeping with the announced policy of developing our outdoor sport and recreational resources; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Parks and Wildlife Department be and is hereby requested to study the feasibility of setting aside sufficient acreage in new or existing state park lands, during an appropriate period each year, for the purpose of permitting interested citizens to engage in the sport of fox hunting; and, be it further

Resolved, That the department be and is hereby requested to report its findings and proposed plan of action to the legislature on the convening of the 62nd Legislature in January, 1971.

WORD
MOORE
CONNALLY
WATSON
HARRINGTON
STRONG
CREIGHTON
BATES
HIGHTOWER
WILSON
HALL

The resolution was read.

On motion of Senator Word, and by unanimous consent, the resolution was considered immediately and was adopted.

Escort Committee for the Honorable Ralph Yarborough to Joint Session

The President announced the appointment of the following as an Escort Committee pursuant to the provisions of H. C. R. No. 120 to escort the Honorable Ralph Yarborough to the Joint Session:

Senators Harrington, McKool, Patman, Bernal and Wilson.

Reports of Standing Committees

Senator Kennard, by unanimous consent, submitted the following report:

Austin, Texas,
May 25, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Public Health, to which was referred H. B. No. 359, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

KENNARD, Chairman.
BROOKS
CHRISTIE
COLE
HERRING
McKOOOL
SNELSON
WORD

Senator Harrington, by unanimous consent, submitted the following report:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Interstate Cooperation, to which was referred H. B. No. 1086, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARRINGTON,
Chairman
MAUZY
BERNAL
BLANCHARD
MOORE

House Bill 359 Ordered Not Printed

On motion of Senator Herring, and by unanimous consent, H. B. No. 359 was ordered not printed.

House Bill 1457 Ordered Not Printed

On motion of Senator Herring, and by unanimous consent, H. B. No 1457 was ordered not printed.

Senate Bill 753 With House Amendment

Senator Brooks called S. B. No. 753 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Committee Amendment No. 1

Amend S. B. 753 by deleting Section 3 and substituting in lieu thereof the following:

Section 3. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict; but nothing contained herein shall be construed to repeal Articles 2326a, 2326h, 2327a-1, 2326c and 2326e-1, Vernon's Texas Civil Statutes. The last five mentioned articles shall remain in full force and effect.

The House amendment was read.

Senator Brooks moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

Presentation of Congratulatory Resolution to Senator Jordan

Senator Hightower was recognized and requested permission to proceed to the President's Rostrum.

The request was granted.

(Senator Hightower in the Chair.)

The Presiding Officer requested Senators Brooks and Snelson to escort Senator Jordan to the President's Rostrum. He then presented Senator Jordan with a copy of S. R. No. 828 extending congratulations to her on receiving the Honorary Degree from Boston University which was signed by the Lieutenant Governor and all the Members of the Senate.

The Members of the Senate gave Senator Jordan a standing ovation.

(President in the Chair.)

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 170, A bill to be entitled "An Act protecting alligators in this state; providing a penalty for violation; etc.; and declaring an emergency."

S. B. No. 310, A bill to be entitled "An Act relating to certain death and disability benefits for firemen and their families in certain cities; etc.; and declaring an emergency."

S. B. No. 382, A bill to be entitled "An Act relating to water control and improvement districts, the territory of which is located in more than one city or town and outside thereof in counties having a population of not less than 900,000 and not more than 1,000,000 inhabitants according to the last preceding Federal census; etc.; and declaring an emergency."

S. B. No. 387, A bill to be entitled "An Act amending Statutes as amended by amending Section 4 thereof dealing with the general prevailing rate of per diem wages; providing for severability; and declaring an emergency."

S. B. No. 491, A bill to be entitled "An Act amending Statutes so as to provide for new criteria for the creation of Union Junior College Districts and County or Joint County Junior College Districts; and declaring an emergency."

S. B. No. 546, A bill to be entitled "An Act relating to the definition of 'Legal reserve life insurance agent'; amending Subsection (b), Section 1, Chapter 213, Acts of the 54th Legislature, 1955; and declaring an emergency."

S. B. No. 571, A bill to be entitled "An Act accepting as part of the State of Texas the land acquired by the United States of America from the United Mexican States by virtue of the Convention for the Solution of the Problem of the Chamizal, signed August 29, 1963; and declaring an emergency."

S. B. No. 706, A bill to be entitled "An Act amending Statutes relating to areas in which the Palo Pinto County Municipal Water District No. 1 may construct dams and related water facilities; amending Subsection (a), Section 11, of the same act relating to the areas in which the district can exercise the powers of eminent domain; and declaring an emergency."

S. B. No. 744, A bill to be entitled "An Act repealing Article 5571, Revised Civil Statutes of Texas, 1925, relating to cotton under lien; and declaring an emergency."

S. B. No. 772, A bill to be entitled "An Act amending Statutes so as to provide for amendment to extend the term of existing oil, gas and mineral leases covering certain state lands; providing for severability; and declaring an emergency."

S. B. No. 788, A bill to be entitled "An Act amending Statutes by adding a Section 10b conferring on the Board of Regents of the University of Houston the power to acquire and dispose of lands and other real property; providing for severability; and declaring an emergency."

S. B. No. 799, A bill to be entitled "An Act relating to regulation of certain milk products imported into Texas; etc.; and declaring an emergency."

S. B. No. 808, A bill to be entitled "An Act amending Statutes so as to change the name of Jackson County Flood Control District to the Lavaca-Navidad River Authority; containing other provisions relating to the subject; and declaring an emergency."

S. B. No. 809, A bill to be entitled "An Act relating to the composition of state representative districts 35 and 36; and declaring an emergency."

S. B. No. 54, A bill to be entitled "An Act relating to taxation of non-profit water supply corporations; amending Article 7150, Revised Civil

Statutes of Texas, 1925, as amended; and declaring an emergency."

Motion to Recess

Senator Herring moved that the Senate take recess until 2:00 o'clock p.m. today subject to the Joint Session to hear the address of the Honorable Ralph Yarborough pursuant to provisions of H. C. R. No. 120.

Joint Session

(To hear address of The Honorable Ralph Yarborough, United States Senator)

The President announced at 11:00 o'clock a.m., the time had arrived to hear an address by Senator Ralph Yarborough, pursuant to the provisions of H. C. R. No. 120.

The President of the Senate and the Senators present escorted by the Sergeant-at-Arms and the Secretary of the Senate proceeded to the Hall of the House of Representatives at 11:00 o'clock a.m.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

On invitation of the Speaker of the House, the President occupied a seat on the Speaker's Platform.

The Honorable Ralph Yarborough, Senior Senator of Texas, and Mrs. Yarborough were escorted to the Speaker's Rostrum by Senators Harrington, McKool, Patman, Bernal and Wilson, on the part of the Senate, and Representatives Murray, Hale, Weiting, Allen of Harris, Braun, Graves, Hannah, Harris, Muniz and Willis on the part of the House.

The President called the Senate to order and announced a quorum of the Senate present.

Honorable Gus Mutscher, Speaker of the House of Representatives, called the House to order and announced a quorum of the House present.

The Speaker presented the Senior Senator from Texas, Senator Yarborough to the Joint Session.

Senator Yarborough then addressed the Joint Session.

The Speaker of the House, the Honorable Gus Mutscher, presented Mrs. Yarborough to the Joint Session and presented Mrs. Yarborough with an enrolled copy of H. C. R. No. 120.

The Speaker then presented the Honorable Preston Smith to the Joint Session.

Governor Smith addressed the Joint Session briefly.

The President of the Senate thanked Senator and Mrs. Yarborough for being guests of the Legislature today.

Recess

The President announced at the conclusion of the Joint Session that the Senate at 11:35 o'clock a.m. would take recess until 2:00 o'clock p.m., today on motion previously adopted in the Senate.

After Recess

The President called the Senate to order at 2:00 o'clock p.m. today.

Senate Resolution 933

Senator Watson offered the following resolution:

Whereas, We are honored today to have in the presence of the Senate, Mr. Kevin Copeland of Waco, Texas; and

Whereas, This fine Texas citizen has shown an active interest in the workings of his state government; now, therefore, be it

Resolved, That Mr. Kevin Copeland be made an "Honorary Senate Page" for today and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to him in recognition of his visit.

The resolution was read and was adopted.

Senate Resolution 934

Senator Watson offered the following resolution:

Whereas, We are honored today to have in the presence of the Senate, Mr. Mike Copeland of Waco, Texas; and

Whereas, This fine Texas citizen has shown an active interest in the workings of his state government; now, therefore, be it

Resolved, That Mr. Mike Copeland be made an "Honorary Senate Page" for today; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to him in recognition of his visit.

The resolution was read and was adopted.

Senate Bill 574 With House Amendment

Senator Herring called S. B. No. 574 from the President's Table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Substitute for Committee Amendment

Amend S. B. No. 574 by striking all above the enacting clause and substituting therefor the following:

A BILL TO BE ENTITLED

An Act amending Section 1(3), Article 3.50, Texas Insurance Code, relating to the eligibility of certain groups or associations of public employees to be policyholders under group life insurance contracts; authorizing the payment of premiums in whole or in part from funds contributed by the employer or by the insured under any such policy; requiring that a certain percentage of persons eligible to be insured under a proposed policy elect to be so insured; providing for a minimum number of insureds under any policy; and defining "employees"; and amending Section 1(a), Article 3.51, Texas Insurance Code, to add members of an association of public employees to those persons or groups eligible for certain insurance benefits; adding group annuity contracts to the benefits authorized; providing that the premium for a policy or contract authorized under said Section 1(a) may be paid in whole or in part from funds contributed by the insured or by his employer, and further providing that when an association of public employees is the holder of the policy or contract the premium may be paid in whole or in part by the insured or by the State of Texas or an authorized agency; providing for withholding of the insured's contribution under any policy or contract authorized under the subsection; providing for the disposition of certain monies or credits; defining "employees"; providing for severability and declaring an emergency.

**Substitute for
Committee Amendment 1**

Amend S. B. No. 574 by striking all below the enacting clause and substituting therefor the following:

Section 1. Section 1(3), Article 3.50, Texas Insurance Code is amended to read as follows:

"(3) A policy issued to any association of employees of the United States Government or any subdivision thereof, provided the majority of the members of such association are residents of this state, an association of public employees, an incorporated city, town or village, an independent school district, common school district, state colleges or universities, any association of state employees, any association of state, county and city, town or village employees, and any association of any combination of state, county or city, town or village employees and any department of the state government which employer or association shall be deemed the policyholder to insure the employees of any such incorporated city, town or village, of any such independent school district, of any common school district, of any such state college or university, of any such department of the state government, members of any association of state, county or city, town or village or of the United States Government or any subdivision thereof, provided the majority of such employees reside in this state, employees for the benefit of persons other than the policyholder subject to the following requirements:

"(a) The persons eligible for insurance under the policy shall be all of the employees of the employer or if the policyholder is an association, all of the members of the association.

"(b) The premium for a policy issued to any policyholder authorized to be such policyholder under Subsection (3) of Section 1, Article 3.50, Texas Insurance Code, may be paid in whole or in part from funds contributed by the employer, or in whole or in part from funds contributed by the persons insured under said policy; or in whole or in part from funds contributed by the insured employees who are members of such association of employees; provided, however, that any monies or credits received by or allowed to the policyholder pursuant to any participation agreement con-

tained in or issued in connection with the policy shall be applied to the payment of future premiums and to the pro rata abatement of the insured employees contribution therefor; and provided further, that the employer may deduct from the employee's salaries the employees' contributions for the premiums when authorized in writing by the respective employees so to do. Such policy may be placed in force only if at least 75% of the eligible employees or if an association of employees is the policyholder, 75% of the eligible members of said association, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required premium contributions and become insured thereunder. Any group policies heretofore issued to any of the groups named in Section 1(3) above and in existence on the effective date of this Act shall continue in force even though the number of employees or members insured thereunder is less than 75% of the eligible employees or members on the effective date of this Act.

"(c) The policy must cover at least ten (10) employees at date of issue, or if an association of employees is the policyholder, ten (10) members of said association at date of issue.

"(d) The term employees as used herein in addition to its usual meaning shall include elective and appointive officials of the state."

Sec. 2. Section 1(a), Article 3.51, Texas Insurance Code, is amended to read as follows:

"(a) The State of Texas and each of its political, governmental and administrative subdivisions, departments, agencies, associations of public employees, and the governing boards and authorities of each state university, colleges, common and independent school districts or of any other agency or subdivision of the public school system of the State of Texas are authorized to procure contracts with any insurance company authorized to do business in this State insuring their respective employees, or if an association of public employees is the policyholder, insuring its respective members, or any class or classes thereof under a policy or policies of group health, accident, accidental death and dismemberment, disability income replacement and hospital, surgical and/or medical ex-

pense insurance or a group contract providing for annuities. The dependents of any such employees or association members, as the case may be, may be insured under group policies which provide hospital, surgical and/or medical expense insurance. The insureds' contributions to the premiums for such insurance or annuities issued to the employer or to an association of public employees as the policyholder may be deducted by the employer from the insureds' salaries when authorized in writing by the respective employees so to do. The premium for the policy or contract may be paid in whole or in part from funds contributed by the employer or in whole or in part from funds contributed by the insured employees. When an association of public employees is the holder of such a policy of insurance or contract, the premium for employees that are members of such association may be paid in whole or in part by the State of Texas or other agency authorized to procure contracts or policies of insurance under this section, or in whole or in part from funds contributed by the insured employees that are members of such association; provided, however, that any monies or credits received by or allowed to the policyholders or contract holder pursuant to any participation agreement contained in or issued in connection with the policy or contract shall be applied to the payment of future premiums and to the pro rata abatement of the insured employee's contribution therefor.

"The term employees as used herein in addition to its usual meaning shall include elective and appointive officials of the state."

Sec. 3. If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act shall

take effect and be in force from and after its passage, and it is so enacted.

The House amendment was read.

Senator Herring moved that the Senate concur in the House amendments.

The motion prevailed.

House Bill 1448 on Second Reading

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1448, A bill to be entitled "An Act providing for transfers of Nine Million Dollars (\$9,000,000) from the 'Operator's and Chauffeur's License Fund' and Five Million Dollars (\$5,000,000) from the 'Motor Vehicle Inspection Fund' to the General Revenue Fund; providing for severability; providing for an effective date of the Act; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 1448 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1448 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word

Nays—1

Grover

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word

Nays—1

Grover

Senate Bill 70 on Second Reading

On motion of Senator Wilson, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 70, A bill to be entitled "An Act amending Chapter 100, Acts of the 55th Legislature, Regular Session, 1957 (Article 6252-9, Vernon's Texas Civil Statutes), making additional requirements for reporting substantial interests of officers and employees of State agencies, legislators and legislative employees; etc.; and declaring an emergency."

The bill was read second time.

Senator Wilson offered the following Committee Amendment to the bill:

Amend S. B. 70 by striking all below the enacting clause and substituting the following:

Section 1. Chapter 100, Acts of the 55th Legislature, Regular Session, 1957 (Article 6252-9, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. Declaration of policy. It is hereby declared to be the policy of the Legislature that no officer or employee of a State agency, Member of the Legislature or legislative em-

ployee should have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest. To implement such policy and to strengthen the faith and confidence of the people of Texas in their Government, there is herein enacted a code of ethics setting forth standards of conduct to be observed by State officers and employees in the performance of their official duties. It is the intent of the Legislature that this code shall serve not only as a guide for official conduct of the State's public servants but also as a basis for discipline of those who refuse to abide by its terms.

"Section 2. Definitions. In this Act, unless the context otherwise requires:

"(a) 'State agency' means any office, department, commission, or board established by or under the authority of the Constitution and laws of the State of Texas.

"(b) 'Regulatory agency' means Commissioner of Insurance, State Board of Insurance, Banking Department, Texas Railroad Commission, Savings and Loan Commission of Texas, Texas Water Commission, Texas Liquor Control Board, and State Securities Board, or successor agencies exercising regulatory authority in the field.

"(c) 'Legislative employee' means an officer or employee of the Legislature, Legislative Budget Board, Legislative Council and the State Auditor's Office, but does not include members of the Legislature.

"(d) 'Substantial interest' means

"(1) controlling interest in any business entity;

"(2) ownership of in excess of 10 percent of the voting interest in the business entity;

"(3) any participating interest, by shares, stock or otherwise, whether or not voting rights are included, in the profits, proceeds, or capital gains of the business entity, in excess of 10 percent of same;

"(4) receiving salary or fees from any organization whose principal source of income is received from membership dues, contributions or assessments.

"(e) 'Business entity' includes any person, corporation, firms, partner-

ship joint stock company, receivership, trusteeship, or any other entity recognized in law through which business may be conducted.

"Section 3. Standards of Conduct.

(a) No officer or employee of a State agency, Legislator, or legislative employee shall accept any gift, favor, or service that might reasonably tend to influence him in the discharge of his official duties; nor shall any member or employee of a State agency solicit any gift, favor, service, fee, or contribution of any employee of the agency or of any person or enterprise regulated by any regulatory agency.

"(b) If an officer or employee of a State agency, Legislator, or legislative employee is an officer, agent, or member of, or owns a substantial interest in any business entity which is under the jurisdiction of any State regulatory agency, he shall file a sworn statement with the Secretary of State disclosing such interest.

"(c) No officer or employee of a State agency, Legislator, or legislative employee shall use his official position to secure special privileges or exemptions for himself or others, except as may be otherwise provided by law.

"(d) No Member of the Legislature who has a personal or private interest in any measure or bill, proposed or pending before the Legislature shall vote thereon but shall disclose such interest to the House of which he is a Member and such statement shall be recorded in the Journal.

"(e) No officer or employee of a State agency, Legislator, or legislative employee shall accept employment or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose confidential information acquired by him by reason of his official position.

"(f) No officer or employee of a State agency, Legislator, or legislative employee shall disclose confidential information gained by reason of his official position to any person, group, or official not entitled to receive such confidential information, nor shall he use such information for his personal gain or benefit.

"(g) No officer or employee of a State agency shall transact any business in his official capacity with any

business entity of which he is an officer, agent, or member, or in which he owns a substantial interest.

"(h) No officer or employee of a State agency shall make investments in any business entity or enterprise, either directly or indirectly, which will create a substantial conflict between his interest and the public interest or which will place him in a position of advantage in his private interest against others having a like private interest. Without lessening the standards set forth above, it is declared that a substantial conflict of interest exists when the investment

"(1) is a business entity or enterprise over which the State agency with which he is associated exercises substantial regulation; and

"(2) is in excess of the value of \$25,000, unless the investment is in a corporation in which the officer or employee owns less than 10 percent of the voting interest and does not otherwise control the corporation.

"(i) No officer or employee of a State agency nor any business entity in which he is a member, agent or officer, or in which he owns a substantial interest, shall sell goods or services to any business entity which is licensed by or regulated in any manner by the State agency in which such officer or employee serves.

"(j) No officer or employee of a State agency, Legislator, or legislative employee shall accept other employment which might impair his independence of judgment in the performance of his public duties.

"(k) No officer or employee of a State agency, Legislator, or legislative employee shall receive any compensation for his services as an officer or employee of a State agency, Legislator, or legislative employee from any source other than the State of Texas, except as may be otherwise provided by law.

"(l) In any proceeding before any State agency wherein a hearing has been held in which interested parties have presented evidence, no person or party shall contact any member of a board, commission, or other administrative body, or any agent of said board, commission or other administrative body, or agent, associate, or contact man of any of its members for the purpose of influencing the decision of said State agency except as follows:

"(1) When such person would be affected by the decision of the State agency and such person has not been a party to the proceedings, such person may petition the State agency to receive certain evidence, and may state what is intended to be proved; provided that such petition be served on all parties of record by mailing the same by certified mail to them on the day of the filing of the petition to the agency or the date of the mailing the same to the agency, if the same be transmitted by mail.

"(2) When the law permits the reopening of the hearing for adducing further evidence, any person entitled to such reopening may petition to do so in accordance with existing laws; provided that such petition be served on all parties of record by mailing the same by certified mail to them on the day of the filing of the petition to the agency or the date of the mailing the same to the agency, if the same be transmitted by mail.

"(3) Any party desiring to further argue the case may, providing the State agency permits such party to do so, file a brief; provided that such brief be served on all parties of record by mailing the same by certified mail to them on the day of the filing of the brief to the agency, if the same be transmitted by mail, or such party may make oral argument provided the State agency permits such party to do so and provided the other parties are given notice of the time and place such argument is to be had and are likewise permitted to make oral argument.

"(m) No Member of the Legislature shall introduce or cause to be introduced, any proposed legislation which affects directly any client or employer of said Member and no Member shall sponsor or cause to be sponsored any legislation directly affecting any client or employer from which said Member receives a retainer fee or any other financial remuneration during said Member's tenure in the Legislature, regardless of whether the Legislature is in session.

"Section 4. Noncompliance. The failure of any officer or employee of a State agency, Legislator, or legislative employee to comply with one or more of the foregoing standards of conduct which apply to him shall constitute grounds for expulsion, removal from office or discharge, whichever is applicable.

"Section 5. Disclosure. Before January 30 of each year, any person who has been a member of the Texas Legislature for all or part of the preceding calendar year shall file with the Secretary of State a disclosure statement covering the preceding calendar year which shall include the following:

"(1) the names, relationships, and salary of any relatives who are employed by the State government; and

"(2) the nature of any business transactions between the person filing the statement and any State agency, stating specifically the name of the State agency, the goods and services furnished, and the amount received for furnishing the goods and services.

"Section 6. Registration with State Agency. Any Member of the Texas Legislature appearing before any state agency on behalf of a client for compensation shall file with the state agency a statement disclosing:

(1) the name of the legislator;

(2) the name of the client; and

(3) the fact that the legislator is representing the client for compensation."

Sec. 2. If any section, subsection, sentence, or clause of this Act shall for any reason be held void or unconstitutional, such decision shall not affect the validity of any other portion of this Act, it being the intention of the Legislature to pass the valid sections, subsections, sentences, clauses, and parts of this Act even though one or more of the same shall be held to be invalid.

Sec. 3. The fact that standards of ethical conduct for public servants are not clearly defined and that the same tends to detract from the respect that governmental processes must enjoy if democratic government is to be effective, and the fact that delay in rectifying this fault may cause further erosion of public respect create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Committee Amendment was read and was adopted.

Senator Wilson offered the following Committee Amendment to the bill:

Amend S. B. No. 70 by striking all above the enacting clause and substituting the following:

A BILL
TO BE ENTITLED

An Act amending Chapter 100, Acts of the 55th Legislature, Regular Session, 1957 (Article 6252-9 Vernon's Texas Civil Statutes), making additional requirements for reporting substantial interests of officers and employees of State agencies, legislators and legislative employees; prohibiting presentation of facts or argument to an administrative agency of this State except under conditions as herein provided; prohibiting officers and agents of a State agency from making investments causing a conflict of interests and further defining same; prohibiting a Member of the Legislature from introducing or causing to be introduced proposed legislation which affects directly a client or employer of such Member; providing for an annual disclosure statement by all Members of the Texas Legislature; providing for disclosure by legislators representing clients for compensation before a state agency; and declaring an emergency.

The Committee Amendment was read and was adopted.

Senator Cole offered the following amendment to the bill:

Amend Committee Amendment to S. B. 70 by adding the following to Sec. 2(a) "provided however, that the procedures in this Act for Registration shall not apply to the Texas Industrial Accident Board."

The amendment was read and was adopted.

The bill as amended was passed to engrossment.

Senate Bill 70 on Third Reading

Senator Wilson moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 70 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Jordan
Blanchard	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word

Nays—1

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Brooks offered the following amendment to the bill:

Amend the Committee Amendment No. 1 to S. B. No. 70 by adding a new section to be numbered Section 3 and renumbering the present Section 3 accordingly, with the new section to read as follows:

"Section 3. Any person who falsely accuses any officer or public official of violating this Act shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$1000 and/or by imprisonment in the County jail for a period not to exceed one year."

The amendment was read and was adopted by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

Senator Moore offered the following amendment to the bill:

Amend Committee Amendment No. 1 to S. B. 70 by deleting paragraph (1), Section 5.

The amendment was read and failed of adoption by the following vote:

Yeas—6

Aikin	Herring
Cole	Moore
Creighton	Word

Nays—25

Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	

The bill as amended was finally passed.

Record of Vote

Senator Moore asked to be recorded as voting "Nay" on the final passage of the bill.

Reports of Standing Committees

Senator Hall, by unanimous consent, submitted the following report:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs to which was referred H. B. No. 709, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman
WORD
CONNALLY

Senator Herring, by unanimous consent, submitted the following report:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence to which was referred H. C. R. No. 132, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HERRING, Chairman.

Senator Hightower, by unanimous consent, submitted the following report:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Contingent Expenses, to which was referred H. C. R. No. 118, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HIGHTOWER,
Chairman
AIKIN
HALL
WORD

Senator Ratliff, by unanimous consent, submitted the following report:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Oil and Gas to which was referred H. B. No. 1043, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman
SNELSON
HIGHTOWER
STRONG
CREIGHTON
BERNAL
PATMAN
HARRIS

Message From the House

Hall of the House of Representatives,
Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 31, Requesting the Legislative Council to make a study of

the employment of the handicapped.
(With Amendments.)

S. C. R. No. 40, Concerning right-of-way on certain land in the City of Austin.

S. C. R. No. 41, Concerning right-of-way on certain land in the City of Austin.

S. C. R. No. 65, Creating a Committee on Preschool Education Standards.

(With Amendments.)

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 263 by non-record vote.

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 684 by a vote of 135 ayes, 5 noes.

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 823 by non-record vote.

H. B. No. 1061, A bill to be entitled "An Act relating to all health, accident, hospitalization and similar insurance coverage sold or allowed to be sold in the State of Texas; providing a severability clause; repealing laws in conflict herewith; and declaring an emergency."

H. B. No. 1082, A bill to be entitled "An Act making it unlawful to attempt to break or enter a coin-operated machine, or to work or manipulate the machinery of any coin-operated machine, with the purpose of committing theft of personal property from the machine or of obtaining any service through the instrumentality of the machine and prescribing a penalty; amending Chapter 268, Acts of the 54th Legislature, Regular Session, 1955 (Article 1402a, Vernon's Texas Penal Code), by adding Section 1b; and declaring an emergency."

H. C. R. No. 70, Commending Ralph Albert McAlister and naming a Park on Rayburn Reservoir after him.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 789 with House
Amendments

Senator Harrington called S. B. No. 789 from the President's table

for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Amendment No. 1

Strike out all below the enacting clause and substitute in lieu thereof the following:

Section 1. Subsection (d), Section 3, Chapter 498, Acts of the 59th Legislature, Regular Session, 1965 (Article 1970-349, Vernon's Texas Civil Statutes), is amended to read as follows:

"(d) The Judge of the County Court at Law shall receive not less than the same salary prescribed by the Commissioners Court of Orange County for the County Judge of Orange County and not more than \$15,000 per annum. Such salary shall be paid in equal monthly installments out of the county treasury on order of the Commissioners Court. The Judge of the County Court at Law shall assess the fees prescribed by law for county judges, which shall be collected by the clerk of the court and paid into the county treasury, and which may not be paid to the Judge."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amendment No. 2

Strike out all above the enacting clause and substitute in lieu thereof the following:

A BILL TO BE ENTITLED

"An Act relating to the salary of the judge of the County Court at Law of Orange County; amending Subsection (d), Section 3, Chapter 498, Acts of the 59th Legislature, Regular Session, 1965 (Article 1970-349, Vernon's Texas Civil Statutes); and declaring an emergency."

The House Amendments were read.

Senator Harrington moved that the Senate concur in the House amendments.

The motion prevailed.

Bills and Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

H. B. No. 335, A bill to be entitled "An Act to include the water area of Lake Palestine under the provisions of the Uniform Wildlife Regulatory Act; etc.; and declaring an emergency."

H. B. No. 362, A bill to be entitled "An Act relating to issuing a special restricted operator's license to certain persons; etc.; and declaring an emergency."

H. B. No. 438, A bill to be entitled "An Act validating all road bonds of road districts or other defined districts in the State of Texas authorized under the provisions of Article 3, Section 52, of the Constitution of the State of Texas; etc., and declaring an emergency."

H. B. No. 912, A bill to be entitled "An Act authorizing and relating to contracts between any city of this state and any city of a bordering state, with a common boundary along the state line, to provide for joint and cooperative furnishing of certain governmental facilities and services; and declaring an emergency."

H. B. No. 964, A bill to be entitled "An Act relating to the merger of certain firemen's and policemen's pension funds in certain cities and relating to investment of the reserve retirement fund; etc.; and declaring an emergency."

H. B. No. 1018, A bill to be entitled "An Act providing for the establishment of a Junior College District in Hardeman County and authorizing the Board of Trustees of the Quanah Independent School District to collect taxes and issue bonds for the purpose of constructing and maintaining a Public Junior College.

H. B. No. 1275, A bill to be entitled "An Act authorizing the commissioners court in certain counties in this State when in their judgment the fi-

nancial condition of the county and the needs of the chief deputies in the offices of district, county, and precinct officials justify the increase, to enter an order increasing the compensation of such chief deputies in an additional amount not to exceed 35 percent of the sum that they are actually being paid on the effective date of this Act; providing for a repealing clause; and declaring an emergency."

H. B. No. 1293, A bill to be entitled "An Act prescribing the minimum and maximum salary to be paid to the official shorthand reporter for the 4th Judicial District; prescribing the method of fixing and paying such salary; and declaring an emergency."

H. B. No. 1319, A bill to be entitled "An Act relating to the salary of assistant county school superintendents in certain counties; etc.; and declaring an emergency."

H. B. No. 1328, A bill to be entitled "An Act amending Statutes relating to firemen's and policemen's pension fund in cities of 550,000 to 650,000; and declaring an emergency."

H. B. No. 1337, A bill to be entitled "An Act relating to the creation of a Court of Domestic Relations in Harrison County; and declaring an emergency."

H. B. No. 1432, A bill to be entitled "An Act providing an open season when squirrels may be taken in Houston County; providing a penalty for unlawful acts; providing an expiration date; and declaring an emergency."

H. B. No. 1218, A bill to be entitled "An Act amending Statutes, as amended, by prohibiting a Mortgage Lender from requiring a borrower to procure insurance through certain persons and setting forth bases for rejecting such insurance; providing for severability; and declaring an emergency."

H. B. No. 161, A bill to be entitled "An Act amending Statutes to provide for the operation of non-English speaking children programs for a period of time not to exceed four and one-half months; to provide for formula for determination of salary of classroom teachers for program cost purposes of this Act; and declaring an emergency."

Signed subject to the provisions of Section 49A of Article III of the Constitution of Texas.

H. B. No. 17, A bill to be entitled "An Act relating to construction and maintenance of private roads by certain counties; and declaring an emergency."

H. B. No. 80, A bill to be entitled "An Act authorizing and directing the Board of Regents of The University of Texas System to establish and maintain a medical branch of The University of Texas System within Harris County, Texas, to be known as The University of Texas Medical School at Houston; etc.; and declaring an emergency."

H. B. No. 74, A bill to be entitled "An Act relating to the lien on property for taxes due to the state; providing for priority of the lien; providing for filing notice of the lien; providing for assignment of the lien and judgments and the subrogation of the state's rights; etc., and declaring an emergency."

H. B. No. 389, A bill to be entitled "An Act relating to contracts by school districts for collection of delinquent taxes; etc.; and declaring an emergency."

H. B. No. 382, A bill to be entitled "An Act relating to the destruction of old chattel mortgages and chattel mortgage records in certain counties; and declaring an emergency."

H. B. No. 436, A bill to be entitled "An Act adopting rules and regulations governing the transportation of migrant agricultural workers within this State; etc., and declaring an emergency."

H. B. No. 488, A bill to be entitled "An Act amending Article 2094, Revised Civil Statutes of Texas, 1925, as amended, by adding a Subsection (o), relating to use of a jury wheel in certain counties; and declaring an emergency."

H. B. No. 704, A bill to be entitled "An Act amending Article 8.24, Texas Insurance Code, by adding a Subsection (j), relating to revocation of certificates of authority to transact business held by alien insurance companies; and declaring an emergency."

H. B. No. 753, A bill to be entitled "An Act relating to recovery of at-

torneys' fees in a suit to recover on a payment bond executed by a public prime contractor; etc.; and declaring an emergency."

H. B. No. 796, A bill to be entitled "An Act providing for the compensation of the Official Shorthand Reporter of the 115th Judicial District of Texas; and declaring an emergency."

H. B. No. 486, A bill to be entitled "An Act establishing a Juvenile Board for Hopkins County; prescribing the membership of the board and providing for the compensation of its members; and declaring an emergency."

H. B. No. 1132, A bill to be entitled "An Act adding to the Business and Commerce Code, Chapter 15, a new Subchapter D, relating to the authority, powers, and duties of the Attorney General in bringing suit on behalf of the State or any of its political subdivisions or tax-supported institutions to recover damages provided for by the federal antitrust laws, Title 15, United States Code; providing that the State shall retain from certain proceeds the amount of its expense; and declaring an emergency."

H. B. No. 1143, A bill to be entitled "An Act providing for the continuing right of supervision of the State of Texas, by and through the Texas Water Rights Commission or its successor, of the powers and duties of certain water districts created under Article XVI, Section 59, Constitution of Texas; and declaring an emergency."

H. B. No. 1138, A bill to be entitled "An Act amending Article 7612, Revised Civil Statutes of Texas, 1925, so as to eliminate the requirement that statements required therein be sworn to; and declaring an emergency."

H. B. No. 1139, A bill to be entitled "An Act requiring the Texas Water Rights Commission or its designated agents to investigate the feasibility of fresh water supply district projects financed by bond issues; containing a severability clause; and declaring an emergency."

H. B. No. 1446, A bill to be entitled "An Act fixing the jurisdiction of the County Court of Ellis County, Texas, and the district Court of Ellis

County, Texas; making transfers of all cases on the dockets of said courts to conform to this Act; etc., and declaring an emergency."

H. B. No. 1263, A bill to be entitled "An Act relating to the annual salaries of first assistants to the county school superintendent in certain counties; and declaring an emergency."

H. B. No. 1270, A bill to be entitled "An Act relating to issuance of time warrants by certain independent school districts; and declaring an emergency."

H. B. No. 1277, A bill to be entitled "An Act relating to turkey hunting in Angelina, Cherokee and Nacogdoches Counties; etc.; and declaring an emergency."

H. B. No. 1286, A bill to be entitled "An Act amending Statutes to provide for the sale of bonds by Inverness Forest Improvement District at a price not less than that provided by law; etc.; and declaring an emergency."

H. B. No. 1297, A bill to be entitled "An Act relating to the Bowie County Juvenile Officer's salary; amending statutes; etc.; and declaring an emergency."

H. B. No. 1307, A bill to be entitled "An Act relating to hunting, possessing, killing, or taking deer in Wood County; providing penalties; and declaring an emergency."

H. B. No. 1312, A bill to be entitled "An Act amending Statutes to provide for the sale of bonds by Braeburn West Utility District at a price not less than that provided by law; etc.; and declaring an emergency."

H. B. No. 1323, A bill to be entitled "An Act constituting a local law for the maintenance of public roads and highways in De Witt County, etc., and declaring an emergency."

H. B. No. 1330, A bill to be entitled "An Act to amend Statutes relating to the compensation of the court reporter for the 9th Judicial District; and declaring an emergency."

H. B. No. 1436, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, known as 'Rhea Utility District'; etc.; and declaring an emergency."

H. B. No. 1356, A bill to be entitled "An Act amending Statutes relating to the compensation of the Court Reporter of the County Court at Law of Hidalgo County; and declaring an emergency."

H. B. No. 1287, A bill to be entitled "An Act amending Statutes to provide for the sale of bonds by Bender Road Improvement District at a price not less than that provided by law; determining and finding that the requirements of Article 16, Section 59(d), Constitution of Texas; etc., and declaring an emergency."

H. B. No. 310, A bill to be entitled "An Act amending Article 875, Penal Code of Texas, 1925, as amended, so as to exclude roadrunners from the unprotected bird list; and declaring an emergency."

H. B. No. 1147, A bill to be entitled "An Act amending Statutes authorizing the Comptroller of Public Accounts to require sufficient security of delinquent taxpayers where collection of taxes is deemed insecure; making provisions for such security; providing that making of such security is a condition precedent to obtaining or retaining any license or permit under this title; authorizing injunction against taxpayers who fail to furnish security; and declaring an emergency."

H. C. R. No. 154, Memorial resolution for Mrs. Clifford B. Jones.

House Bill 1234 Ordered Not Printed

On motion of Senator Patman, and by unanimous consent, H. B. No. 1234 was ordered not printed.

Senate Bill 23 with House Amendments

Senator McKool called S. B. No. 23 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Amendment 1

Amend S. B. 23 by adding a new section as follows:

1. This Act shall apply to counties who have a population of less than 900,000 and more than 600,000.

Amendment 2

Amend S. B. 23 by adding a new section as follows:

1. This Act shall apply to counties who have a population of less than 900,000 and of more than 700,000.

The House amendments were read.

Senator McKool moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S. B. No. 23 before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators McKool, Mauzy, Hall, Harris and Word.

Message From the House

Hal of the House of Representatives
Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 159, Requesting the House Enrolling and Engrossing Clerk to make necessary technical changes in H. B. No. 14.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Concurrent Resolution 103

Senator Watson offered the following resolution:

S. C. R. No. 103, Authorizing the Enrolling Clerk of House to make certain corrections in H. B. No. 1435.

Whereas, House Bill No. 1435 has been passed by the House of Representatives and the Senate of the 61st Legislature; and

Whereas, Certain clerical and typing errors need to be corrected in the

Senate Committee Substitute for House Bill No. 1435; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Enrolling Clerk of the House of Representatives be and is hereby directed to make the following corrections in the Senate Committee Substitute for House Bill No. 1435:

(1) In Section 4, Subsection (a), insert in the second sentence, following the second use of the phrase "temporary or provisional" the word "directors."

(2) In Section 4, Subsection (e), strike the word "purposed" and substitute the word "proposed."

(3) In Section 5, Subsection (e), strike the word "old" in the second sentence, and substitute the word "odd."

(4) In Section 6, Subsection (b), change the word "provides" in the first sentence to the word "provided."

(5) In Section 8, in the second sentence immediately following the first use of the word "from," strike the word "the" and substitute the phrase "revenues and."

(6) In Section 21, Subsection (a) (3), strike the first use of the word "year," and substitute the word "next."

The resolution was read.

On motion of Senator Watson, and by unanimous consent, the resolution was considered immediately and was adopted.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 25, To Committee on Insurance.

H. B. No. 95, To Committee on County, District and Urban Affairs.

H. B. No. 167, To Committee on Jurisprudence.

H. B. No. 203, To Committee on State Departments and Institutions.

H. B. No. 226, To Committee on State Departments and Institutions.

H. B. No. 266, To Committee on Jurisprudence.

H. B. No. 269, To Committee on Legislative, Congressional and Judicial Districts.

H. B. No. 365, To Committee on County, District and Urban Affairs.

H. B. No. 586, To Committee on State Affairs.

H. B. No. 644, To Committee on County, District and Urban Affairs.

H. B. No. 758, To Committee on Jurisprudence.

H. B. No. 781, To Committee on Jurisprudence.

H. B. No. 819, To Committee on Jurisprudence.

H. B. No. 821, To Committee on County, District and Urban Affairs.

H. B. No. 932, To Committee on Water and Conservation.

H. B. No. 1005, To Committee on Public Health.

H. B. No. 1061, To Committee on Insurance.

H. B. No. 1066, To Committee on Public Health.

H. B. No. 1074, To Committee on Education.

H. B. No. 1082, To Committee on Jurisprudence.

H. B. No. 1094, To Committee on County, District and Urban Affairs.

H. B. No. 1097, To Committee on Jurisprudence.

H. B. No. 1274, To Committee on County, District and Urban Affairs.

H. B. No. 1315, To Committee on Water and Conservation.

H. B. No. 1427, To Committee on County, District and Urban Affairs.

H. B. No. 1439, To Committee on County, District and Urban Affairs.

H. B. No. 1450, To Committee on Education.

H. B. No. 1455, To Committee on County, District and Urban Affairs.

H. B. No. 1466, To Committee on County, District and Urban Affairs.

H. B. No. 1469, To Committee on County, District and Urban Affairs.

Reports of Standing Committees

Senator Creighton, by unanimous consent, submitted the following report:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation to which was referred H. B. No. 1315, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Chairman.

Senator Hall, by unanimous consent, submitted the following reports:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs to which was referred H. B. No. 365, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman
WORD
CONNALLY

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 821, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman
WORD
CONNALLY

Senator Christie, by unanimous consent, submitted the following reports:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir, We, your Committee on Constitutional Amendments, to which was

referred H. J. R. No. 15, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHRISTIE, Chairman.

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred H. J. R. No. 28, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHRISTIE, Chairman.

Senator Kennard, by unanimous consent, submitted the following report:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Public Health, to which was referred H. B. No. 1066, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KENNARD, Chairman
COLE
WORD
SNELSON
BERRY
HERRING
WILSON
CHRISTIE
HARRINGTON
McKOOL

Senator Hall, by unanimous consent, submitted the following report:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 1094, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman
BLANCHARD
WORD
CONNALLY

House Bill 1043 Ordered Not Printed

On motion of Senator Snelson, and by unanimous consent, H. B. No. 1043 was ordered not printed.

House Bill 1086 Ordered Not Printed

On order of Senator Patman, and by unanimous consent, H. B. No. 1086 was ordered not printed.

House Bill 1315 Ordered Not Printed

On motion of Senator Creighton, and by unanimous consent, H. B. No. 1315 was ordered not printed.

House Bill 1219 Ordered Not Printed

On motion of Senator Creighton, and by unanimous consent, H. B. No. 1219 was ordered not printed.

House Bill 821 Ordered Not Printed

On motion of Senator Schwartz, and by unanimous consent, H. B. No. 821 was ordered not printed.

House Bill 1133 Re-referred

On motion of Senator Hall, and by unanimous consent, H. B. No. 1133 was withdrawn from the Committee on State Affairs and re-referred to the Committee on County, District and Urban Affairs.

House Concurrent Resolution 149
on Second Reading

On motion of Senator Creighton, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 149, Commending Mary Ann Harvey.

The resolution was read.

On motion of Senator Creighton, and by unanimous consent, the resolution was considered immediately and was adopted.

House Concurrent Resolution 151
on Second Reading

On motion of Senator Creighton, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 151, Commending Dr. Octavio Amadeo.

The resolution was read.

On motion of Senator Creighton, and by unanimous consent, the resolution was considered immediately and was adopted.

**House Concurrent Resolution 153
on Second Reading**

On motion of Senator Creighton, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 153, Commending Carlton Carl.

The resolution was read.

On motion of Senator Creighton, and by unanimous consent, the resolution was considered immediately and was adopted.

**House Concurrent Resolution 157
on Second Reading**

On motion of Senator Brooks, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 157, Commending Joyce Maley on her distinguished award at the National Distributive Education Convention.

The resolution was read.

On motion of Senator Brooks, and by unanimous consent, the resolution was considered immediately and was adopted.

**Senate Bill 266 with House
Amendment**

Senator Word called S. B. No. 266 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Committee Amendment No. 1

Amend Senate Bill 266 by inserting a new sentence at the end of Subsection (2) of Section 1, reading as follows:

"Additional notice by certified mail shall be given to a railroad, at its latest address appearing on the tax rolls

of the city, district or county where the territory to be annexed contains any railroad right of way or property."

The House amendment was read.

Senator Word moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S. B. No. 266 before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Word, Hall, Bates, Blanchard, and Aikin.

**Senate Bill 399 with House
Amendment**

Senator Hall called S. B. No. 399 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Committee Amendment No. 1

Amend S. B. No. 399 by adding a Section 1-A to read as follows:

"Section 1-A. The bonds authorized by this Act are to be paid solely from the revenues received from the facilities or from funds specifically provided for that purpose from other sources and shall never be an obligation of the state."

The House Amendment was read.

Senator Hall moved that the Senate concur in the House amendment.

The motion prevailed.

Senate Bill 321 Re-referred

On motion of Senator Kennard, and by unanimous consent, S. B. No. 321 was withdrawn from the Committee on Parks and Wildlife and re-referred to the Committee on State Departments and Institutions.

Senate Concurrent Resolution 104

Senator Creighton offered the following resolution:

S. C. R. No. 104, Extending appreciation to Harry Ledbetter for his outstanding service as a Legislative Intern.

Whereas, Harry Ledbetter, a graduate student at Texas A&M University, has done outstanding work during the 61st Legislative Session as a Legislative Intern under the cooperative program of the Ford Foundation and the State of Texas; and

Whereas, Harry is a graduate student in economics at Texas A&M University, with a special interest in statistics, and during the past year he served as a graduate research assistant on a community service seminar dealing with urban problems; and

Whereas, With this background of economics, statistics, and general governmental problems, Harry Ledbetter was a great asset to the staff of the Legislative Budget Board during the Regular Session of the 61st Legislature; and

Whereas, The Members of the 61st Legislature wish to express appreciation to Mr. Ledbetter and to the Ford Foundation for making his services available to the Legislative Budget Board and to the Texas Legislature; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the Texas Legislature commend Harry Ledbetter and thank him for the great assistance he has been to the legislative process during the current Regular Session; and, be it further

Resolved, That official copies of this Resolution be prepared for Mr. Ledbetter and for the Ford Foundation.

The resolution was read.

On motion of Senator Creighton, and by unanimous consent, the resolution was considered immediately and was adopted.

House Bill 1094 Ordered Not Printed

On motion of Senator Blanchard, and by unanimous consent, H. B. No. 1094 was ordered not printed.

House Bill 1066 Ordered Not Printed

On motion of Senator Christie, and by unanimous consent, H. B. No. 1066 was ordered not printed.

(Senator Word in the Chair.)

Senate Bill 567 with House Amendments

Senator Christie called S. B. No. 567 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the following House amendments before the Senate:

Committee Amendment 1

Amend Senate Bill 567 by striking all below the Enacting Clause and substituting the following:

Section 1 (a) Section 1, Chapter 12, Acts of the 53rd Legislature, Regular Session, 1953, as last amended by Section 1, Chapter 22, Acts of the 58th Legislature, 1963 (Article 3886h, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. The District Attorney of the Thirty-fourth Judicial District of this State shall be paid a salary not to exceed Sixteen Thousand, Five Hundred Dollars (\$16,500) per year. Beginning January 1, 1971, the salary of the District Attorney of that District shall be fixed by the Commissioners Court of El Paso County at Eighteen Thousand Dollars (\$18,000) per year. The First Assistant District Attorney of the said Thirty-fourth Judicial District shall receive a salary not to exceed Twelve Thousand, Five Hundred Dollars (\$12,500) per year; and the other Assistant District Attorneys and Investigators in the said District shall receive salaries not to exceed Ten Thousand Dollars (\$10,000) per year."

(b) Article 326, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 326. Hudspeth and Culberson Counties. The commissioners courts of Hudspeth and Culberson Counties shall pay to El Paso County the sum of one hundred dollars each per month, to be used by El Paso County as provided in Section 6, Chapter 9, General Laws, Acts of the 39th Legislature, 1st Called Session, 1926."

(c) Section 6, Chapter 9, General Laws, Acts of the 39th Legislature, 1st Called Session, 1926 (Article 326e, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 6. El Paso County is hereby authorized to set aside each year a sum to be approved by the Commissioners Court to be expended by said District Attorney in preparation and conduct of criminal affairs of said office and all sums of money now required by Article 326, Revised Civil Statutes of Texas, 1925, to be paid by Hudspeth and Culberson Counties to El Paso County shall be paid into the fund provided for in this Article and shall be used as directed. This fund to be expended upon sworn claims of said District Attorney and approved by the Commissioners Court of El Paso County.

Sec. 2. The county attorney in all counties having a population of not less than 300,000 nor more than 500,000 according to the last preceding federal census, shall be paid a salary not to exceed \$16,500 per year. Beginning January 1, 1971, the salary of the county attorney in those counties shall be fixed by the commissioners court at \$18,000 per year.

Sec. 3. Chapter 219, Acts of the 58th Legislature, 1963 (Article 2326j-22, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. From and after the passage of this Act the official shorthand reporter for the 34th Judicial District of Texas composed of the counties of El Paso, Hudspeth, and Culberson, and the 41st Judicial District of Texas composed of the county of El Paso, and the 65th Judicial District of Texas composed of the county of El Paso, and the 120th Judicial District of Texas composed of the county of El Paso, and the 171st Judicial District of Texas, composed of the county of El Paso, shall receive a salary of not less than Eight Thousand, Five Hundred Dollars (\$8,500) per annum, nor more than Ten Thousand, Five Hundred Dollars (\$10,500) per annum, which shall be determined, fixed and set by the judge of each respective court and at the pleasure of that judge; and from and after the time that said judge shall have entered an order in the minutes of the court, in each county of said district, which order shall be a public record and open for inspection, stating specifically the amount of salary to be paid to said reporter, and shall have filed a copy of said order with each Commissioners Court of the district, the salary so determined, fixed and set shall be paid monthly, by and in

the proportion for each county of the district as provided by law, out of the General Fund, or out of the Jury Fund, or out of any fund available for the purpose.

"Section 2. The official court reporters herein named shall in addition to their other duties, perform such additional duties as may be assigned to the respective court reporters by the judge of the respective district court; and the judge of each said district herein named may assign the official court reporter of his said district to any other court herein named or into the County Courts at Law of El Paso County, Texas, whenever he deems it proper and expedient.

"Section 3. From and after the passage of this Act, all provisions of the law relating to the appointment, qualifications and duties of official shorthand reporters in this state, and as to allowances to them of transcript fees and hotel and traveling expenses, shall govern, save and except as herein set forth and save and except that when the salary of the official shorthand reporter for the 34th Judicial District, the 41st Judicial District, the 65th Judicial District, the 120th Judicial District and the 171st Judicial District shall have been determined, fixed and set by the judge of said districts, in the manner and within the amount limits as in this Act provided, said salary shall be paid to said official shorthand reporter as in this Act provided, and not otherwise."

Sec. 4. Sections 1 and 2, Chapter 221, Acts of the 58th Legislature, 1963 (Article 2326j-23, Vernon's Texas Civil Statutes), are amended to read as follows:

"Section 1. From and after the passage of this Act the official shorthand reporters for each of the county courts at law, civil and criminal, in El Paso County, Texas, shall receive a salary of not less than Eight Thousand, Five Hundred Dollars (\$8,500) per annum, nor more than Ten Thousand, Five Hundred Dollars (\$10,500) per annum, which shall be determined, fixed and set by the judge of each respective court and at the pleasure of such judge; and from and after the time that said judge shall have entered an order in the minutes of the court, in said county, which order shall be a public record and open for inspection, stating specifically the amount of salary to be paid to said reporter, and

shall have filed a copy of said order with the Commissioners Court of the county, the salary so determined, fixed and set shall be paid monthly by and in the proportion for the county as provided by law out of the General Fund, or out of the Jury Fund, or out of any fund available for the program.

"Section 2. The official court reporters herein named shall, in addition to their other duties, perform such additional duties as may be assigned to the respective court reporter by the judge of the respective county court at law; and the judge of each said county court at law herein named may assign the official court reporter of his said county court to any other court herein named or into the Judicial District Courts of El Paso County, Texas, whenever he deems it proper and expedient."

Sec. 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment 2

Amend Senate Bill 567 by striking all above the Enacting Clause and substituting the following:

A BILL TO BE ENTITLED

An Act relating to the salaries of certain county attorneys, court reporters, the district attorney of the 34th Judicial District, and his assistants and investigators; relating to the expenses of the office of the district attorney of the 34th Judicial District; relating to additional duties of certain court reporters; amending Section 1, Chapter 12, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 3886h, Vernon's Texas Civil Statutes); amending Article 326, Revised Civil Statutes of Texas, 1925; amending Section 6, Chapter 9, General Laws, Acts of the 39th Legislature, 1st Called Session, 1926 (Article 326e, Vernon's Texas Civil Statutes); amending Chapter 219, Acts of the 58th Legislature, 1963 (Article 2326j-22, Ver-

non's Texas Civil Statutes); amending Sections 1 and 2, Chapter 221, Acts of the 58th Legislature, 1963 (Article 2326j-23, Vernon's Texas Civil Statutes); and declaring an emergency.

The House Amendments were read.

Senator Christie moved that the Senate concur in the House amendments.

The motion prevailed.

Reports of Standing Committees

Senator Hall, by unanimous consent, submitted the following reports:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 1274, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman
CONNALLY
WORD

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 1466, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman
CONNALLY
WORD

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 1439, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman
CONNALLY
WORD

Senator Strong, by unanimous consent, submitted the following report:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to which was referred H. B. No. 493, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STRONG, Chairman
JORDAN
BRIDGES
MAUZY
HAZLEWOOD
CREIGHTON
KENNARD
MOORE

Senator Kennard, by unanimous consent, submitted the following report:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Public Health, to which was referred H. B. No. 1005, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KENNARD, Chairman
WILSON
BROOKS
HERRING
JORDAN
CHRISTIE
WORD

Senator Watson, by unanimous consent, submitted the following report:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to which was referred H. B. No. 269, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WATSON, Chairman
McKOOL
AIKIN
BERRY

BROOKS
CHRISTIE
GROVER
JORDAN
MAUZY
MOORE
PATMAN
SNELSON

Senator Connally, by unanimous consent, submitted the following report:

Austin, Texas,
May 14, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Parks and Wildlife, to which has been referred S. B. No. 319, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

CONNALLY,
Chairman
KENNARD
SNELSON
CREIGHTON
BLANCHARD
WILSON
HARRINGTON
RATLIFF
BROOKS

C. S. S. B. No. 319 was read the first time.

Senator Hall, by unanimous consent, submitted the following report:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 1133, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman
WORD
CONNALLY

Senate Bill 840 with House Amendment

Senator Aikin called S. B. No. 840 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the following House amendment before the Senate:

Amendment No. 1

Amend Senate Bill 840 by adding immediately after Sec. 4a in Section 1, the following:

"Sec. 4b. In the event that the District, in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder, makes necessary the relocation, raising, rerouting or changing the grade of, or altering the construction of any highway, railroad, electric transmission line, telegraph or telephone properties and facilities, or pipeline, all such necessary relocation, raising, rerouting, changing of grade or alteration of construction shall be accomplished at the sole expense of the District. The term 'sole expense' shall mean the actual cost of such relocation, raising, lowering, rerouting, or change in grade or alteration of construction in providing comparable replacement without enhancement of such facilities, after deducting therefrom the net salvage value derived from the old facility."

The House amendment was read.

Senator Aikin moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

House Bill 1005 Ordered Not Printed

On motion of Senator Herring, and by unanimous consent, H. B. No. 1005 was ordered not printed.

**House Concurrent Resolution 141
on Second Reading**

On motion of Senator Strong, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 141, In memory of Mrs. Georgia Tucker Laschinger.

The resolution was read.

On motion of Senator Strong, and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

Senate Resolution 937

Senator Strong offered the following resolution:

Whereas, Allegations have been made as to the circumvention of Article 3.76 of the Insurance Code by officers and directors of companies pecuniarily profiting from insurance company loans, sales, and purchases through the loopholes of the corporate shield; and

Whereas, The practices of mortgage lenders in requiring an equity interest in the mortgaged property as a condition of making the loan have provoked criticism; and

Whereas, The controversy has arisen with regard to the establishment of holding companies permitting financial institutions to attain the conglomerate status; and

Whereas, The facts concerning the formation and operation of such holding companies would be valuable to Members of the Legislature in their consideration of legislation with regard thereto; now, therefore, be it

Resolved, That a special interim committee of the Senate of the State of Texas be appointed to investigate such practices; and, be it further

Resolved, That this special committee shall consist of two members of the Legislature and one layman, to sit at such times and places between the adjournment of the 61st Legislature and the date of the convening of the Regular Session of the 62nd Legislature as may to the committee seem necessary and proper; and, be it further

Resolved, That the Study Committee shall have the power to formulate its own rules of procedure and evidence and to provide for its own

hours of meeting, recessing, and adjournment; provided, however, that the rules of evidence to be followed shall be practically the same as followed in the courts of this state, and the committee is authorized to hold executive sessions, within its discretion, and then the committee may be governed by the rules of evidence applicable to any grand jury inquiry in this state; and, be it further

Resolved, That the majority of the membership of the committee shall have power to issue process for witnesses to any place in this state and to compel their attendance and the production of all books and records, and upon disobedience of any subpoena the committee shall have the power to issue attachments which may be addressed to and served by either the sergeant-at-arms appointed by the committee or any sheriff or any constable of this state; and the committee shall have authority to cite for contempt anyone disobeying said process and to punish for such contempt in the same manner as provided for by general law. The committee shall have power to inspect and make copies of any books, records, or files of any insurance company or its agents, and any and all other instruments and documents pertinent to the matter under investigation by the committee, and shall also have power to examine and audit the books of such insurance company or its agent. The committee shall have the power to administer oaths and affirmations and fix the bonds of attached witnesses, and shall further have all the powers necessary in order to accomplish the purposes for which it is appointed. Two members of the Study Committee shall constitute a quorum for the transaction of official business; and, be it further

Resolved, That the committee shall have power and authority to employ and compensate all necessary investigators, auditors, clerks, stenographers, and other necessary employees, and to contract for those research and analysis services as the committee may find necessary; and, be it further

Resolved, That the Study Committee, the lay member of which shall be appointed by the Lieutenant Governor, may call upon the Attorney General's Department, the State Board of Insurance, the State Auditor, and all other departments for assistance and advice, and it shall be

the duty of the Attorney General's Department to render opinions and give counsel and assistance to the committee on request of the chairman or members of the committee; and, be it further

Resolved, That from the Contingent Expenses Fund of the Texas Legislature, the members of the Study Committee shall be reimbursed for their actual expenses incurred in carrying out the purposes of this Resolution, and that other necessary expenses of operation of the Study Committee shall also be paid from the Contingent Expenses Fund of the Senate; and be it further

Resolved, That the Study Committee, whose Legislative members shall be Senator Jack B. Strong, who shall serve as Chairman, and Representative James E. Nugent, shall prepare a budget for the operating expenses, which shall be submitted to the Contingent Expenses Committee of the Senate, and no expenditures shall be made until the budget has been approved. Prior approval of non-budgeted expense must also be obtained from the Contingent Expenses Committee of the Senate; and, be it further

Resolved, That the Study Committee shall make a full report on its findings and recommendations, together with drafts of legislation it deems desirable, to the Regular Session of the 62nd Legislature.

The resolution was read.

On motion of Senator Strong and by unanimous consent the resolution was considered immediately and was adopted.

Senate Resolution 938

Senator Wilson offered the following resolution:

Whereas, "Rate of return" is generally regarded as the ratio of net operating income to the value of the property, including allowance for working capital; the largest electric companies in Texas, where there is no state utility commission, enjoy a rate of return, in one instance, as high as 11.32 percent, and among nearly all companies the rate of return is above 8 percent, even though most regulatory agencies consider 6 percent as the proper rate of return; and

Whereas, A total of 56 investor-owned utilities in 23 states last year

had a rate of return considerably above the accepted 6 percent, and more of these companies, a total of seven, were operating in Texas than in any other state; and

Whereas, The Federal Communications Commission regulates interstate telephone rates and under that agency's jurisdiction it costs less to make a call from Dallas, Texas, to Texarkana, Arkansas, than to make a call covering the same distance from Dallas, Texas, to Texarkana, Texas, since the intrastate call is under no regulatory authority; and

Whereas, Banks, oil and gas, and transportation are all regulated in Texas, but the utilities monopolies which are not subject to the economic laws of the marketplace, supply and demand, are without regulation; and

Whereas, It is in the public interest that the State of Texas investigate the feasibility of establishing a public utility regulatory agency; now, therefore, be it

Resolved, That the Senate of the 61st Legislature hereby create a special interim committee of five Senators, to be appointed by the Lieutenant Governor, to study the make-up and procedures of public utility commissions in other states, looking toward the feasibility of establishing a public utility regulatory agency in Texas; and, be it further

Resolved, That the committee may hold meetings in Texas and other states, and in Washington, D.C., in order to collect information and data pertaining to public utility regulation at state and national levels; and, be it further

Resolved, That the committee be authorized to employ a staff, consisting of a full-time accountant and a full-time attorney, to assist with the collection, compilation, and analysis of data necessary for a comprehensive study of public utility regulatory methods in other states; and, be it further

Resolved, That actual expenses of members of the committee and other necessary expenses of operation in connection with committee activities, including staff salaries, shall be paid from the Contingent Expenses Fund of the Senate; the committee shall prepare a budget for its operating expenses, which shall be submitted to the Senate Contingent Expenses Committee, and no expenditures shall be made until the budget has been approved. Prior approval of non-

budgeted expenses must also be obtained from the Senate Contingent Expenses Committee; and, be it further

Resolved, That the committee shall make its complete report, including findings and recommendations and drafts of any legislation that may be proposed, to the 62nd Legislature when it convenes in January, 1971.

The resolution was read and was referred to the Committee on Contingent Expenses.

Senate Resolution 939

Senator Wilson offered the following resolution:

Whereas, The cost of public assistance to the four classes of beneficiaries — needy aged, needy disabled, needy blind, and needy children — has been steadily increasing through the years since the State of Texas began paying benefits in 1933 after a constitutional amendment was adopted authorizing such payments; and

Whereas, With the increase in benefits and beneficiaries, the program of the Public Welfare Department in Texas has been expanded and the staff has been enlarged to accommodate the continuing new demands placed upon the system; and

Whereas, It is advisable that the entire Public Welfare system in Texas be reviewed, so that the State of Texas and welfare recipients may receive the greatest value for dollars expended; now, therefore, be it

Resolved, That the Senate of the 61st Legislature hereby create a special interim committee to make a thorough study of possible reforms in the general welfare system in Texas, including both a study of Texas statutes and constitutional provisions relating to public welfare and the administration of these provisions, and that the committee direct particular attention toward ascertaining methods of establishing more stringent paternal responsibility in the area of illegitimacy; and, be it further

Resolved, That the committee shall be composed of three Senators, appointed by the Lieutenant Governor, who shall name one of them as vice chairman of the committee; and six lay members, also appointed by the Lieutenant Governor, who shall name one of them as the chairman of the committee; and, be it further

Resolved, That the committee shall conduct hearings throughout the state

and summon and compel the attendance of witnesses and the production of documents and records; the committee chairman or any member thereof may administer oaths to witnesses; and, be it further

Resolved, That state departments and agencies concerned with public welfare are requested to give full cooperation to the committee in the study; and, be it further

Resolved, That actual expenses of members of the committee, the salary of a full-time or part-time secretary, and other necessary expenses of operation in connection with committee activities shall be paid from the Contingent Expenses Fund of the Senate; the committee shall prepare a budget for the operating expenses, which shall be submitted to the Contingent Expenses Committee of the Senate, and no expenditures shall be made until the budget has been approved. Prior approval of non-budgeted expenses must also be obtained from the Contingent Expenses Committee; and, be it further

Resolved, That the committee shall make its complete report, including findings and recommendations and drafts of any legislation that may be proposed, to the 62nd Legislature when it convenes in January, 1971.

The resolution was read and was referred to the Committee on Contingent Expenses.

Senate Bill 717 with House Amendment

Senator Hightower called S. B. No. 717 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the following House amendment before the Senate:

Committee Amendment No. 1

Amend Senate House Bill 717 by striking out everything below the enacting clause and inserting in lieu thereof the following:

Section 1. By authority of Article IX, Section 9, of the Texas Constitution, this Act authorizes the creation of Foard County Hospital District of Foard County, Texas.

Sec. 2. The boundaries of this district are coterminous with the boundaries of Foard County.

Sec. 3. The district authorized to be created by this Act is charged

with the responsibility of establishing a hospital or a hospital system within its boundaries to furnish hospital and medical care to the residents of the district. After this district is created as provided in Section 4 of this Act, no other municipality or political subdivision of this state may levy taxes or issue bonds or other obligations of indebtedness for purpose of providing hospital service or medical care within the district. This district shall provide all necessary hospital and medical care for the needy inhabitants of the district.

The district herein authorized shall have transferred to it the title to all lands, buildings, improvements, equipment, and choses in action in anyway pertaining to any Hospital system owned by Foard County or any City or town located therein, and thereafter, the district shall provide for the establishment of a hospital system by the purchase, construction, acquisition, repair or renovation of buildings and equipment, and equipping same, and the administration thereof for hospital purposes. Such district shall assume all outstanding obligations and indebtedness incurred by Foard County or any City or town located therein for hospital purposes prior to the creation of said district.

Sec. 4. (a) The district shall not be created, nor shall any tax therein be authorized unless and until such creation and such tax are approved by a majority of the qualified property taxpaying electors of the area of the proposed district voting at an election called for that purpose. Such election may be called by the Commissioners Court of Foard County or shall be called by the Commissioners Court upon presentation of a petition therefor signed by at least one-hundred (100) qualified property taxpaying electors of the area of the proposed district. Such election shall be held not less than twenty-five (25) nor more than sixty (60) days from the date the election is ordered. The order calling the election shall specify the date, place or places of holding the election, the form of ballot, the presiding judge and alternate judge for each voting place, and provide for clerks as in county elections. The election order may provide that the entire district shall constitute one election precinct or the county election precincts may be combined for elections. Notice of election shall be

given by publishing a substantial copy of the election order in a newspaper or newspapers which individually or collectively provide general circulation in the district once a week for two consecutive weeks, the first publication to appear at least twenty (20) days prior to the date established for the election. The failure of such election shall not operate to prohibit the calling and holding of subsequent elections for the same purpose; provided, however, that no district election for confirmation can be held within twelve (12) months of any preceding district election for confirmation, and, further provided, if this district is not confirmed within sixty (60) months from the effective date of this Act, this Act is hereby repealed.

(b) At the election there shall be submitted to the qualified property taxpaying electors of the area of the proposed district the proposition of whether the hospital district shall be created with authority to levy annual taxes at a rate not to exceed seventy-five cents (75¢) on the one-hundred dollar (\$100) valuation of taxable property situated within the district subject to hospital district taxation for the purpose of meeting the requirements of the district's bonds, indebtedness assumed by it and its maintenance and operating expenses, and a majority of the qualified property taxpaying electors voting at said election in favor of the proposition shall be sufficient for its adoption.

(c) The form of ballot used at the election on the creation of the district shall be in conformity with Sections 61 and 62, Texas Election Code, as amended (Articles 6.05-6.07, Vernon's Texas Election Code), so that ballots may be cast "For" or "Against" the following ballot proposition: "The creation of The Foard County Hospital District, providing for the levy of a tax not to exceed seventy-five cents (75¢) on each one-hundred dollar (\$100) valuation, upon all taxable property situated within said district, subject to hospital district taxation, for all hospital district purposes, and providing for the assumption by such district of all outstanding bonds and indebtedness heretofore issued for hospital district purposes by Foard County and any City or town within said district."

(d) Within ten (10) days after such election is held, the Commis-

sioners Court of Foard County shall convene and canvass the returns of the election, and if a majority of the qualified property taxpaying electors voting at said election vote in favor of the proposition, they shall so find and declare the hospital district established and created.

Sec. 5 (a) At such time as the creation of the district is approved and the returns of the election officially canvassed, the Commissioners Court shall convene and appoint seven (7) persons as directors of the district and shall designate the length of their terms. Four of the appointed persons shall serve until the first Saturday in April next following, and three persons so appointed shall serve until the first Saturday in April of the following year. Successors shall be appointed by the Commissioners Court for two-year terms. Vacancies in office shall be filled for the unexpired term by the Commissioners Court. Each member of the board of directors shall execute a good and sufficient bond for five-thousand dollars (\$5,000) payable to said district conditioned upon the faithful performance of his duties and each bond shall be purchased at the expense of the district. All members of the board of directors shall execute the constitutional oath of office.

(b) No person shall be appointed as a member of the board of directors unless he is a resident of the district, a freeholder, and a qualified voter. Neither the administrator, an employee of the district, nor a member of the staff of the hospital shall be eligible to serve as a director.

(c) The board of directors shall organize by electing one of their number as president and one of their number as vice president. A secretary, who need not be a director, shall also be elected. Officers shall be elected for a term of one year and vacancies shall be filled for the unexpired term by the board of directors. Any four (4) members of the board of directors shall constitute a quorum and a concurrence of four (4) shall be sufficient in all matters pertaining to the business of the district. All members of the board of directors and officers shall serve without compensation, but may be reimbursed for actual expenses incurred in the performance of their official duties upon the approval of such expenses by the board of directors and so reported in

the minute book of the district or other records of the district.

Sec. 6. The board of directors, except as otherwise provided herein, shall manage, control and administer the hospital system and all funds and resources of the district, but in no event shall any operating, depreciation or building fund reserves be invested in any funds or securities other than those specified in Articles 836 or 837, Revised Civil Statutes of Texas, 1925, as amended. The board is given full authority to establish rules and regulations relating to seniority of employees of the district (including a retirement plan based thereon) and may give effect to previous years of service for those employees who have been continuously employed in the operation or management of the hospital facilities acquired or constructed by the district. The district, through its board of directors, shall have the power and authority to sue and be sued, and shall be entitled to all causes of action and defenses enjoyed by similar authorities, to promulgate rules and regulations governing the operation of the hospital, hospital system, its staff and its employees. The board of directors may appoint a qualified person to be known as the administrator or manager of the hospital district and may in its discretion appoint an assistant or assistants to the administrator or manager. Such administrator or manager and assistant administrator or manager, if any, shall serve at the will of the board and shall receive such compensation as may be fixed by the board. The administrator or manager shall, upon assuming his duties, execute a bond payable to the hospital district in an amount to be set by the board of directors, in no event less than five thousand dollars (\$5,000) conditioned that he shall perform the duties required of him, and containing such other conditions as the board may require. The administrator or manager shall supervise all the work and activities of the district and shall have general direction of the affairs of the district, subject to the limitations as may be prescribed by the board. The board of directors shall have the authority to appoint to or dismiss from the staff such doctors as it may be deemed necessary for the efficient operation of the district, and may provide for temporary appointments to the staff if warranted by circumstances. The board may delegate to the administrator or manager the authority to employ technicians, nurses,

and employees of the district. Such board, when approved by the commissioners court, shall be authorized to contract with any other political subdivision or governmental agency whereby the district will provide investigatory or other services as to the hospital, or welfare needs of the inhabitants of the district and shall be authorized to contract with any county or incorporated municipality located outside its boundaries for the hospitalization of the sick, diseased, or injured persons of any such county or municipality, and shall have the authority to contract with the State of Texas or agencies of the federal government for the hospital treatment of sick, diseased or injured persons.

Sec. 7. The district shall be operated on the basis of a fiscal year commencing on July 1 of each year and ending on June 30 of the following year, and it shall cause an independent audit to be made of the financial condition of said district, which, together with other records of the district, shall be open to inspection at the principal office of the district, such audit to be made covering such fiscal year, and the same shall be filed at the office of the district as soon as it is completed. The administrator or manager shall prepare an annual budget for approval by the board of directors. The budget shall also contain a complete financial statement of the district showing all outstanding obligations of the district, the cash on hand to the credit of each and every fund of the district, the funds received from all sources during the previous year, the funds available from all sources during the ensuing year, with balances expected at end of the year in which the budget is being prepared, and estimated revenues and balances available to cover the proposed budget and the estimated tax rate which will be required, and the proposed expenditures and disbursements and the estimated receipts and collections for the following fiscal year. A public hearing on the annual budget shall be held by the board of directors after notice of such hearing has been published one time at least ten (10) days before the date set therefor. Notice of the budget hearing shall be published in a newspaper or newspapers which individually or collectively provide general circulation in the hospital district. Any property taxpayer of the district shall have the right to be present and participate in said hearing. At the conclusion of the hear-

ing, the budget as proposed by the administrator, shall be acted upon by the board of directors. The board of directors shall have authority to make such changes in the budget as in their judgment the law warrants and the interest of the taxpayers demand.

No expenditure may be made for any expense not included in the annual budget or an amendment thereto. The annual budget may be amended from time to time as the circumstances may require, but the annual budget, and all amendments thereto, shall be approved by the board of directors. As soon as practicable after the close of each fiscal year, the administrator or manager shall prepare for the board a full sworn statement of all moneys belonging to the district and a full account of the disbursements of same.

Sec. 8 (a) The commissioners court shall have the power and authority to issue and sell bonds in the name and upon the faith and credit of such hospital district for the purchase, construction, acquisition, repair or renovation of buildings and improvements and equipping the same for hospital purposes, and for any or all of such purposes. At the time of the issuances of any bonds by the district a tax shall be levied sufficient to create an interest and sinking fund to pay the interest on and principal of said bonds as same mature, providing such tax, together with any other taxes levied for said district shall not exceed the rate of tax voted under the provisions of Section 4 of this Act. No bonds shall be issued by such hospital district except refunding bonds until authorized by a majority of the qualified property taxpaying electors of the district voting at an election called for such purpose. The order for bond election shall specify the date of the election, the amount of bonds to be authorized, the maximum rate of interest they are to bear, the place or places where the election shall be held, the presiding judge and alternate judge for each voting place, and provide for clerks as in county elections. Except as to a bond election held pursuant to the provisions of Subsection (b) of this section, where notice shall be given as provided in Section 4, notice of any bond election shall be given as provided in Article 704, Revised Civil Statutes of Texas, 1925, as amended, and shall be conducted in accordance with the general laws of Texas pertaining to general elections, except as modified by the

provisions of this Act.

(b) A separate proposition may be submitted at the election for the creation or confirmation of the district as to whether the commissioners court, in the event the district is created, shall be authorized to issue bonds for any one or more of the foregoing purposes. The proposition, if submitted, shall specify the purpose for which the bonds are to be issued, the maximum amount of bonds then proposed to be issued, the maximum maturity, and the maximum interest rate.

(c) Refunding bonds of the district may be issued by the commissioners court for the purpose of refunding and paying off any outstanding indebtedness issued or assumed by the district. Such refunding bonds may be sold and the proceeds therefrom applied to the payment of outstanding indebtedness, or may be exchanged in whole or in part for not less than a like principal amount of such outstanding indebtedness provided that, if refunding bonds are to be exchanged for a like amount of said outstanding indebtedness, such refunding bonds shall bear interest at the same or lower rate than borne by the debt refunded, unless it is shown mathematically that a saving will result in the total amount of interest to be paid on said refunding bonds, and provided further that if such refunding bonds are to be sold and the proceeds thereof applied to the payment of any such outstanding indebtedness, same shall be issued and payments made in the manner specified by Chapter 503, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 717k, Vernon's Texas Civil Statutes).

(d) Bonds of the district shall bear interest not to exceed six and one-half percent a year, shall mature within forty (40) years of their date, shall be executed in the name of the hospital district and in its behalf by the president of the board and countersigned by the secretary in the manner provided by Chapter 204, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 717j-1, Vernon's Civil Statutes), and shall be subject to the same requirements in the matter of approval by the Attorney General of Texas and registration by the Comptroller of Public Accounts of the State of Texas as are by law provided for approval and registration of bonds issued by counties. Upon the approval of such bonds by the Attorney General and registration

by the Comptroller, the same shall be incontestable for any cause.

Sec. 9. In addition to the power to issue bonds payable from taxes levied by the district, as contemplated by the preceding section, the commissioners court is further authorized to issue and to refund any previously issued revenue bonds for purchasing, constructing, acquiring, repairing, equipping, or renovating buildings and improvements for hospital purposes, and for acquiring sites therefor, such bonds to be payable from and secured by a pledge of all or any part of the revenues of the district to be derived from the operation of its hospital or hospitals, and such bonds may be additionally secured by a mortgage or deed of trust lien on any part or all district properties. Such bonds shall be issued in the manner and in accordance with the procedures and requirements specified for the issuance of revenue bonds by county hospital authorities in Sections 8, 10, 11, 12, and 13 of Chapter 122, Acts of the 58th Legislature, 1963 (Article 4494r, Vernon's Texas Civil Statutes).

Sec. 10. The commissioners court is hereby given complete discretion as to the type of buildings, both as to number and location, required to establish and maintain an adequate hospital system. The hospital system may include facilities for domiciliary care of the sick, wounded, and injured, facilities for out-patient clinic or clinics, dispensaries, facilities for geriatric domiciliary care, convalescent home facilities, necessary nurses domiciliaries and training-centers, blood banks, community mental health centers, and research centers or laboratories, and any other facilities deemed necessary for hospital care by the directors. The district, through its board of directors, is further authorized to enter into an operating or management contract with regard to its facilities or a part thereof, or may lease all or part of its buildings and facilities upon terms and conditions considered to be to the best interest of its inhabitants, provided that in no event shall any lease be for a period in excess of twenty-five (25) years from the date entered. The district shall be empowered to sell or otherwise dispose of any property, real or personal, or equipment of any nature upon terms and conditions found by the board to be in the best interest of its inhabitants.

Sec. 11. The commissioners court shall have the power to prescribe the

method and manner of making purchases and expenditures by and for such hospital district, and shall also be authorized to prescribe all accounting and control procedures. All contracts for construction or purchases involving the expenditure of more than two thousand dollars (\$2,000) may be made only after advertising in the manner provided by Chapter 163, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 2368a, Vernon's Texas Civil Statutes). The provisions of Article 5160, Revised Civil Statutes of Texas, 1925, as amended relating to performance and payment of bonds shall apply to construction contracts let by the district. The district may acquire equipment for use in its hospital system and mortgage or pledge the property so acquired as security for the payment of the purchase price, but any such contract shall provide for the entire obligation of the district to be retired within five (5) years from the date of the contract. Except as permitted in the preceding sentence and as permitted by Sections 8 and 9, the district may incur no obligation payable from any revenues of the district, taxes or otherwise except those on hand or to be on hand within the then current and following fiscal year of the district.

Sec. 12. The board of directors of the district shall name one or more banks within its boundaries to serve as depository for the funds of the district. All funds of the district, except those invested as provided in Section 6, and those transmitted to a bank or banks as payment for bonds or obligations issued by the district, shall be deposited as received with the depository bank and shall remain on deposit, provided that nothing herein shall limit the power of the board to place a portion of such funds on time deposit or purchase certificates of deposit.

Sec. 13. The commissioners court shall annually levy a tax of not to exceed the amount hereinabove permitted for the purpose of (1) paying the interest on and creating a sinking fund for bonds and other obligations which may be issued or assumed by the hospital district for hospital purposes as herein provided; (2) providing for the operation and maintenance of the hospital district and hospital system; and (3) when approved by the commissioners court, for the purpose of making further improvements and additions to the hospital system,

and for the acquisition of necessary sites therefor by purchase, lease or condemnation. In setting such tax rate the commissioners court shall take into consideration the income of the district from sources other than taxation. Upon determination of the amount of tax required to be levied, the commissioners court shall make such levy and certify the same to the tax assessor-collector of said district.

Sec. 14. All bonds issued hereunder by the district shall be and are hereby declared to be legal and authorized investments of banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, trustees, and sinking funds of cities, towns, villages, counties, school districts, or other political subdivisions of the State of Texas, and for all public funds of the State of Texas or its agencies including the state permanent school fund. Such bonds and indebtedness shall be eligible to secure deposit of public funds of the State of Texas and public funds of cities, towns, villages, counties, school districts, or other political subdivisions or corporations of the State of Texas, and shall be lawful and sufficient security for said deposits to the extent of their value when accompanied by all unmatured coupons appurtenant thereto.

Sec. 15. The district shall have the right and power of eminent domain for the purpose of acquiring by condemnation any and all property of any kind and character in fee simple, or any lesser interest therein, within the boundaries of the district necessary to the powers, rights and privileges conferred by this Act, in the manner provided by the general law with respect to condemnation by counties, provided that the district shall not be required to make deposits in the registry of the trial court of the sum required by paragraph 2 of Article 3268, Revised Civil Statutes of Texas, 1925, as amended, or to make bond as therein provided. In condemnation proceedings being prosecuted by the district, the district shall not be required to pay in advance or give bond or other security for costs in the trial court, nor to give any bond otherwise required for the issuance of a temporary restraining order or a temporary injunction nor to give bond for costs or for supersedeas on any appeal or writ of error.

Sec. 16. The commissioners court shall have the authority to levy taxes for the entire year in which the district is established as the result of the election herein provided. All taxes of the district shall be assessed and collected on county tax values as provided in Subsection (1) hereof unless the directors, by majority vote, elect to have taxes assessed and collected by its own tax assessor-collector under Subsection (2) hereof. Any such election may be made prior to December 1 annually and shall govern the manner in which taxes are thereafter assessed and collected, until changed by a similar resolution.

(1) Under this subsection, district taxes shall be assessed and collected on county tax values in the same manner as provided by law with relation to county taxes. The tax assessor-collector of the county in which said district is situated shall be charged and required to accomplish the assessment and collection of all taxes levied by and on behalf of the district. The assessor-collector of taxes shall charge and deduct from payments to the hospital district an amount as fees for assessing and collecting the taxes at a rate of not exceeding two (2%) percent of the amounts collected as may be determined by the board of directors, but in no event shall the amount paid exceed \$5,000 in any calendar year. All such fees shall be deposited in the officers salary fund of the county and reported as fees of office of the county tax assessor-collector. Interest and penalties on taxes paid to the hospital district shall be the same as in the case of county taxes. Discounts shall be the same as allowed by the county. The residue of tax collections after deduction of discounts and fees for assessing and collecting shall be deposited in the district's depository. The bond of the county tax assessor-collector shall stand as security for the proper performance of his duties as assessor-collector of the district; or, if in the judgment of the district board of directors it is necessary, additional bond payable to the district may be required. In all matters pertaining to the assessment, collection and enforcement of taxes for the district, the county tax assessor-collector shall be authorized to act in all respects according to the laws of the State of Texas relating to state and county taxes.

(2) Under this subsection, taxes shall be assessed and collected by a tax assessor-collector appointed by the directors who shall also fix the terms of his employment, compensation, and requirement for bond to assure the faithful performance of his duties, but in no event shall such bond be for less than five thousand dollars (\$5,000). The directors shall also annually appoint five persons to serve as a board of equalization and shall fix their compensation. Each member of the board and the tax assessor shall be residents of the district and own real property subject to hospital district taxation, and each shall have the same duties, including the obligation to execute the oath of office, as required by county officials exercising such powers and duties. Except as in this law provided to the contrary, all provisions of Title 122, Revised Civil Statutes of Texas, 1925, as amended, shall apply to the district.

Sec. 17. The district may employ fiscal agents, accountants, architects, and attorneys as the board may consider proper.

Sec. 18. Whenever a patient residing within the district has been admitted to the facilities thereof, the administrator or manager may cause inquiry to be made as to his circumstances and those of the relatives of such patient legally liable for his support. If he finds that such patient or said relatives are able to pay for his care and treatment in whole or in part, an order shall be made directing such patient or said relatives to pay to the hospital district for the care and support of such patient a specified sum per week in proportion to their financial ability. The administrator or manager shall have power and authority to collect such sums from the estate of the patient or his relatives legally liable for his support in the manner provided by law for collection of expenses in the last illness of a deceased person. If the administrator or manager finds that such patient or said relatives are not able to pay either in whole or in part for his care and treatment in such hospital, same shall become a charge upon the hospital district as to the amount of the inability to pay. Should there be any dispute as to the ability to pay or doubt in the mind of the administrator or manager, the board of directors shall hear and determine same after call-

ing witnesses, and shall make such order or orders as may be proper. Appeals from the final order of the board shall lie to the district court. The substantial evidence rule shall apply.

Sec. 19. The board of directors of the hospital district is authorized on behalf of such district to accept donations, gifts, and endowments to be held in trust and administered by the board of directors for such purposes and under such directions, limitations, and provisions as may be prescribed in writing by the donor not inconsistent with proper management and object of the hospital district.

Sec. 20. After creation of the hospital district, no municipality or political subdivision within the boundaries of the district shall have the power to levy taxes or issue bonds or other obligations for hospital purposes or for providing medical care. The said hospital district shall assume full responsibility for providing hospital care for the indigents residing within the district. When the district is created and established, the county and all towns and cities located therein shall convey and transfer to the district title to all lands, buildings, improvements, and equipment in anywise pertaining to a hospital or hospital system which may be jointly or separately owned by the county or any city or town within said district. Operating funds and reserves for operating expenses which are on hand and funds which have been budgeted for hospital purposes by the county or any city or town therein for the remainder of the fiscal year in which the district is established shall likewise be transferred to said district, as shall taxes theretofore levied for hospital purposes for the current year, and all sinking funds established for payment of indebtedness assumed by the district.

Sec. 21. The support and maintenance of the hospital district shall never become a charge against or obligation of the State of Texas, nor shall any direct appropriation be made by the Legislature for the construction, maintenance, or improvement of any of the facilities of such district.

Sec. 22. In carrying out the purposes of this Act, the district will be performing an essential public function and any bonds issued or assumed by it and their transfer and the issu-

ance therefrom, including any profits made in the sale thereof, shall at all times be free from taxation by the state or any municipality or political subdivision thereof.

Sec. 23. Nothing in this Act shall be construed to violate any provision of the Federal or State Constitutions, and all acts done under this Act shall be in such manner as will conform thereto, whether expressly provided or not. Where any procedure hereunder may be held by any court to be violative of either of such constitutions, the district shall have the power by resolution to provide an alternative procedure conformable with such constitutions. If any provision of this Act should be invalid, such fact shall not affect the authorization for the creation of the district or the validity of any other provisions of this Act, and the Legislature hereby declares that it would have created the district and enacted the valid provisions of this Act notwithstanding the invalidity of any other provision or provisions hereof.

Sec. 24. Proof of publication of the notice required in the enactment hereof under the provisions of Article IX, Section 9, of the Texas Constitution has been made in the manner and form provided by law pertaining to the enactment of local and special laws, and such notice is hereby found and declared proper and sufficient to satisfy such requirement.

Sec. 25. The fact that there is urgent need to provide for the creation of the hospital district authorized by Article IX, Section 9, of the Texas Constitution creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and this Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The House amendment was read.

Senator Hightower moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—31

Aikin	Brooks
Bates	Christie
Bernal	Cole
Berry	Connally
Blanchard	Creighton
Bridges	Grover

Hall	Moore
Harrington	Patman
Harris	Ratliff
Hazlewood	Schwartz
Herring	Snelson
Hightower	Strong
Jordan	Watson
Kennard	Wilson
Mauzy	Word
McKool	

Senate Bill 13 With House Amendments

Senator Hightower called S. B. No. 13 from the President's Table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the following House amendments before the Senate:

Amendment No. 1

Amend Senate Bill No. 13 by renumbering Section 2 as Section 3 and adding a new Section to read as follows:

"Sec. 2. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

Amendment No. 2

Amend Senate Bill No. 13 by deleting the words "person or bank upon which same was drawn" as they appear on lines 34 and 35 and substitute therefor the following: "bank, person, firm or corporation upon which same was drawn."

The House amendments were read.

Senator Hightower moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Resolution 940

Senator Moore, by unanimous consent, offered the following resolution:

Whereas, The County of Montgomery is one of the most rapidly developing areas of the State of Texas; and

Whereas, The opening of the Jetero Intercontinental Airport in northern Harris County contiguous to the Coun-

ty of Montgomery, portends yet more dynamic growth and development of this area in the near future and for many years to come; and

Whereas, This area could benefit immeasurably from a well-planned and efficiently conducted program of higher education; and

Whereas, Sam Houston State University in Huntsville in the County of Walker is geographically convenient; and

Whereas, Sam Houston State University has established an outstanding record for the development of both undergraduate and graduate programs in the liberal arts and in teacher education; and

Whereas, Sam Houston State University would be in a position to work in direct support of the programs of public education within the County of Montgomery and adjacent areas,

Resolved by the Senate of the State of Texas, That:

1. That Sam Houston State University be directed to study the feasibility of establishing programs of higher education within the County of Montgomery; and

2. That such study be concerned with the planning of a branch of Sam Houston State University; and

3. That utmost consideration be given to the minimization of administrative costs; and

4. That equal consideration be given to the design of facilities which, though functional and entirely sufficient to the purposes of quality higher education, would entail the least possible expense to the State of Texas; and

5. That it be a basic premise that the most expensive aspects of such educational programs; e.g., science laboratory instruction, would be conducted on the home campus of Sam Houston State University; and

6. That this study be undertaken forthwith under the direction of the administration of Sam Houston State University; and

7. That the Legislature of the State of Texas appropriate the sum of \$50,000 to cover all aspects of such a study on the part of Sam Houston State University; and

8. That Sam Houston State University shall report the results of its study to future sessions of the Legislature and the budget authorities; and

9. That all findings resulting from such study be presented in the form

of recommendations for the implementation of such educational programs within similar areas of rapid population expansion in the State of Texas; and

Be it further resolved, That Sam Houston State University should report its findings back to future sessions of the Legislature and the budget authorities and that all of its findings be presented in the form of recommendations for the implementation of such programs in the rapidly expanding population of the State.

The resolution was read.

Senator Moore asked unanimous consent to consider the resolution immediately.

There was objection.

On motion of Senator Moore and by unanimous consent further consideration of S. R. No. 940 was temporarily withdrawn.

Question—Shall S. R. No. 940 be adopted?

House Bill 1274 Ordered Not Printed

On motion of Senator Connally, and by unanimous consent, H. B. No. 1274 was ordered not printed.

House Bill 1466 Ordered Not Printed

On motion of Senator Connally, and by unanimous consent, H. B. No. 1466 was ordered not printed.

House Bill 1439 Ordered Not Printed

On motion of Senator Connally, and by unanimous consent, H. B. No. 1439 was ordered not printed.

(President in the Chair.)

Senate Bill 416 With House Amendment

Senator Wilson called S. B. No. 416 from the President's Table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Committee Amendment No. 1

Amend S. B. 416 by striking out all the provisions in Section 1(b) and by inserting in lieu thereof the following:

"Section 1(b) except for the initial appointees, members of the Board

shall hold office for terms of six (6) years expiring on January 31 of odd-numbered years. In making the initial appointments, the Governor shall designate two for terms expiring in 1971, two for terms expiring in 1973, and two for terms expiring in 1975. Any vacancy shall be filled by appointment for the unexpired portion of the term. Not more than two (2) members of said Board of Regents shall be appointed from or be a resident of any one (1) State Senatorial District, and no member of the said board may be appointed from or be a resident of the county in which the University is located."

The House amendment was read.

Senator Wilson moved that the Senate concur in the House amendment.

The motion prevailed.

Record of Votes

Senators Strong, Herring and Grover asked to be recorded as voting "Nay" on the motion to concur in the House amendment.

Reports of Standing Committees

Senator Herring, by unanimous consent, submitted the following reports:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 144, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HERRING, Chairman.

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 104, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HERRING, Chairman.

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 48, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HERRING, Chairman.

Senator Hall, by unanimous consent, submitted the following reports:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 686, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman
WORD

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 742, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman
WORD

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 1451, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman
WORD

Senator Kennard, by unanimous consent, submitted the following report:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Public Health, to which was referred H. B.

No. 950, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

KENNARD,
Chairman
JORDAN
HERRING
WILSON
CHRISTIE
BROOKS
WORD
COLE
BERRY
HARRINGTON
SNELSON
McKOOL

Senate Bill 806 with House Amendment

Senator Wilson called S. B. No. 806 from the President's Table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Committee Amendment No. 1

Amend S. B. No. 806 to read as follows:

After the words "tourist attraction," in Section 37 add the words "museum or housing development," and after the word "revenues" in Section 27 add the words "and housing."

The House amendment was read.

Senator Wilson moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S. B. No. 806 before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Herring, Creighton, Harris, Wilson and Jordan.

Committee Substitute House Bill 579 on Second Reading

On motion of Senator Mauzy, and by unanimous consent, the regular

order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C. S. H. B. No. 579, A bill to be entitled "An Act providing comprehensive regulation of certain coin-operated machines and coin-operated machines businesses; amending Article 13.02, as amended, Article 13.13, and adding a new Article 13.17, Chapter 13, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

The bill was read second time.

Senator Schwartz offered the following amendment to the bill:

Amend the Committee Substitute for H. B. 579, at page 7, line 44, after the word "fees," and before the words "but includes," by inserting the words "as determined by the court."

The amendment was read and was adopted.

Senator Schwartz offered the following amendment to the bill:

Amend Committee Substitute House Bill No. 579, by amending Section 24 of Article 13.17, Title 122A, Taxation-General, Revised Civil Statutes, 1925, to read as follows:

"Section 24. APPEAL FROM COMPTROLLER'S ORDER. A person who is refused a license, or whose license has been suspended or cancelled, may appeal the Comptroller's order to the District Court by filing a petition in the court within 30 days after the effective date of the order. Venue is in Travis County, Texas."

The amendment was read and was adopted.

Senator Patman offered the following amendment to the bill:

Amend C. S. H. B. 579 by striking the words and figures on lines 41 and 42 of page 7 of the printed copy thereof which read as follows:

One and one-half per cent (1½%) per month,

And substituting in lieu thereof the following:

Ten per cent (10%) per annum.

The amendment was read.

On motion of Senator Mauzy, the amendment was tabled.

On motion of Senator Mauzy, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

Record of Votes

Senators Strong, Patman and Hazlewood asked to be recorded as voting "Nay" on the passage of the bill to third reading.

**Committee Substitute
House Bill 579 on Third Reading**

Senator Mauzy moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that C. S. H. B. No. 579 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Hightower
Bates	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Schwartz
Connally	Snelson
Creighton	Strong
Hall	Watson
Harrington	Wilson
Herring	Word

Nays—6

Bernal	Hazlewood
Grover	Patman
Harris	Ratliff

Absent

Cole

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Patman, Grover, Hazlewood, Bernal and Strong asked to be recorded as voting "Nay" on the final passage of the bill.

**Vote on Final Passage of
Committee Substitute
House Bill 579 Reconsidered**

On motion of Senator Mauzy, and by unanimous consent, the vote by

which C. S. H. B. No. 579 was finally passed was reconsidered.

Question—Shall C. S. H. B. No. 579 be finally passed?

The bill as amended was again passed by the following vote:

Yeas—24

Aikin	Hightower
Bates	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Ratliff
Connally	Schwartz
Creighton	Snelson
Hall	Watson
Harrington	Wilson
Herring	Word

Nays—6

Bernal	Hazlewood
Grover	Patman
Harris	Strong

Absent

Cole

Bills and Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

S. B. No. 746, A bill to be entitled "An Act adding land to Pirate's Cove Municipal Utility District of Galveston County, Texas; etc.; and declaring an emergency."

S. B. No. 751, A bill to be entitled "An Act relating to the use of public facilities by persons who are blind or otherwise physically handicapped and to their use of white canes, dog guides, or other devices of assistance to the handicapped in their travel; etc.; and declaring an emergency."

S. B. No. 115, A bill to be entitled "An Act changing the name of James Connally Technical Institute of Texas A&M University to the Manpower Resources System; creating the Board of Regents of the Manpower Resources System to govern and control the system and prescribing the board's powers and duties; providing for transfer of funds; and declaring an emergency."

S. B. No. 9, A bill to be entitled "An Act amending and revising cer-

tain provisions of the Texas Probate Code; etc.; and declaring an emergency."

S. B. No. 153, A bill to be entitled "An Act establishing Uniform Standard Code approved by the United States of America Standards Institute for installation of plumbing, heating, and electrical systems in mobile homes; to require a license to be issued by the State Highway Department to mobile home dealers and manufacturers engaged in business in this state; etc.; and declaring an emergency."

S. B. No. 302, A bill to be entitled "An Act relating to the acquisition, disposition, creation, or alteration of certain documents and instruments used or conferred by institutions of education; providing for a penalty; and declaring an emergency."

S. B. No. 565, A bill to be entitled "An Act authorizing the Texas Employment Commission to sell and convey certain land located in the City of Fort Worth, Tarrant County, Texas; prescribing the procedures, terms, and conditions of sale, disposition of the proceeds; and declaring an emergency."

S. B. No. 202, A bill to be entitled "An Act providing for the rendition by the lessee for ad valorem taxation of tangible personal property located in this state and owned by a banking corporation; repealing all laws in conflict; fixing an effective date; and declaring an emergency."

S. B. No. 19, A bill to be entitled "An Act relating to the appointment, compensation, and duties of a shorthand reporter for the 26th Judicial District of Texas; and declaring an emergency."

S. B. No. 725, A bill to be entitled "An Act validating all governmental acts of the Board of Directors of Dallas County Flood Control District and of the Board of Supervisors of City and County of Dallas Levee Improvement District and of the Board of Supervisors of Dallas County Levee Improvement District No. 5; etc.; and declaring an emergency."

S. C. R. No. 93, Recalling H. B. No. 684, H. B. No. 874, H. B. No. 547, H. B. No. 933, H. B. No. 934 and H. B. No. 1273 from the House of Representatives.

Senate Joint Resolution 1 on Second Reading

Senator Harrington asked unanimous consent to suspend the regular order of business and take up S. J. R. No. 1 for consideration at this time.

There was objection.

Senator Harrington then moved to suspend the regular order of business and take up S. J. R. No. 1 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Aikin	Harrington
Bates	Herring
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Schwartz
Cole	Snelson
Connally	Watson
Grover	Wilson
Hall	

Nays—8

Creighton	Moore
Harris	Ratliff
Hazlewood	Strong
Hightower	Word

The President laid before the Senate on its second reading and passage to engrossment:

S. J. R. No. 1, Proposing an Amendment to the Constitution of the State of Texas to provide for an exemption of Three Thousand Dollars (\$3,000) of the value of residence homesteads of all persons sixty-five years of age or older from all ad valorem taxes levied by any county, city, town, school district or other political subdivision or instrumentality of the State.

The resolution was read second time.

Question on the passage of the resolution to engrossment, "Yeas" and "Nays" were demanded.

The resolution was passed to engrossment by the following vote:

Yeas—23

Aikin	Bernal
Bates	Berry

Blanchard	Jordan
Bridges	Kennard
Brooks	Mauzy
Christie	McKool
Cole	Patman
Connally	Schwartz
Grover	Snelson
Hall	Watson
Harrington	Wilson
Herring	

Nays—8

Creighton	Moore
Harris	Ratliff
Hazlewood	Strong
Hightower	Word

House Bill 167 Re-referred

On motion of Senator Strong, and by unanimous consent, H. B. No. 167 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on County, District, and Urban Affairs.

Reports of Standing Committees

Senator Brooks, by unanimous consent, submitted the following report:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred S. B. No. 321, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute adopted in lieu thereof do pass and be printed.

BROOKS, Chairman
BRIDGES
McKool
MAUZY
BERNAL

C. S. S. B. No. 321 was read the first time.

Senator Creighton, by unanimous consent, submitted the following reports:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 176, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

CREIGHTON,
Chairman
HIGHTOWER
MOORE
RATLIFF
SNELSON
STRONG
WATSON
WILSON
WORD
CHRISTIE
BATES
BERNAL
BLANCHARD
COLE
CONNALLY
HALL
HARRIS

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 178, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON,
Chairman
HIGHTOWER
MOORE
RATLIFF
SNELSON
STRONG
WATSON
WILSON
WORD
CHRISTIE
BATES
BERNAL
BLANCHARD
COLE
CONNALLY
HALL
HARRIS

Senator Brooks, by unanimous consent, submitted the following report:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred H. B. No. 203, have had the same under consideration, and we are instructed to report it back to the Senate with the recom-

mendation that it do pass and be printed.

BROOKS, Chairman
HERRING
MAUZY
McKOOL
BRIDGES
WILSON

Senator Hall, by unanimous consent, submitted the following reports:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 644, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman
WORD
BLANCHARD
CONNALLY

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 167, have had same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman

House Concurrent Resolution 159 on Second Reading

On motion of Senator Jordan, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 159, Requesting the House Enrolling and Engrossing Clerk to make necessary technical changes in H. B. No. 14.

The resolution was read.

On motion of Senator Jordan, and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Bill 319 Ordered Not Printed

On motion of Senator Kennard, and by unanimous consent, S. B. No. 319 was ordered not printed.

House Concurrent Resolution 118 Ordered Not Printed

On motion of Senator Word, and by unanimous consent, H. C. R. No. 118 was ordered not printed.

House Bill 1450 Ordered Not Printed

On motion of Senator Hazlewood, and by unanimous consent, H. B. No. 1450 was ordered not printed.

House Bill 1451 Ordered Not Printed

On motion of Senator Snelson, and by unanimous consent, H. B. No. 1451 was ordered not printed.

Senate Concurrent Resolution 31 With House Amendment

Senator Cole called S. C. R. No. 31 from the President's table for consideration of the House amendment to the resolution.

The President laid the resolution and the following House amendment before the Senate:

Committee Amendment No. 1

Whereas, The greatest source of strength for Texas and the nation rests in the power of the individual to stand on his own feet, to solve his own problems, and to move himself and his country forward; and

Whereas, Recently completed statewide studies of vocational rehabilitation services and activities in Texas show that there is a segment of the population among which a large number have been unable to experience the satisfaction that comes from a job well done and from earning power that will enable them to live as normal, useful citizens, developing to the utmost their capabilities and aptitudes; and

Whereas, The Legislature has in recent years committed itself and the State of Texas to a policy which strongly favors providing adequate and effective services and assistance to the handicapped citizens of Texas so that such citizens may be enabled to achieve lives as normal, useful and happy as their capacities and aptitudes permit; and

Whereas, the implementation of this policy continues to be a major concern of the Legislature and of those charged with administering the state's programs in this area; and

Whereas, Some 2,500 Texans, representing all walks of life, voluntari-

ly participated in the recently completed statewide study of vocational rehabilitation services in this state and formulated 156 specific recommendations for improvements in services for the handicapped, including a number of recommendations for state legislation, which latter recommendations are receiving favorable action in this Legislature; and

Whereas, Data compiled by all authoritative and reliable sources, including both public and private organizations, suggests that handicapped Texans who are legally eligible for services through programs for the handicapped and disabled number in the hundreds of thousands; and

Whereas, In recent years Texas Legislatures have shown increasing concern for Texans with various disabilities, and great progress has been made in improving programs for such groups as the blind and those suffering from hearing loss; but there is still much to be done for these citizens and others who have received no assistance in overcoming physical or mental handicaps; and

Whereas, It is to the best interests of these handicapped persons, as well as of the state, the community and society as a whole, that they be rehabilitated and assisted to achieve the greatest possible degree of economic and social independence, rather than remaining dependent because of their handicaps; and

Whereas, Leaders of business and industry in Texas are and have been exerting outstanding leadership to provide handicapped Texans with greater opportunities for gainful employment; the Federal government has initiated new programs which have been highly successful in providing the handicapped with additional and expanded employment opportunities through the Federal Civil Service System; and the State of Texas should be supporting such efforts more fully and should be employing more handicapped persons within state government; and

Whereas, A recent amendment to the federal statute through which basic support of state vocational rehabilitation programs is obtained specifically requires, as a condition of continued receipt of federal support funds for such state programs, that the state provide for continuing statewide studies of the needs of handicapped individuals and how

these may be most effectively met; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Texas Legislative Council be requested to make a comprehensive study of programs designated to assist, provide services for, and rehabilitate all segments of the handicapped of Texas, focusing attention upon vocational problems encountered by all disability groups, and including consideration of the nature and extent of state services properly to be extended to those handicapped individuals whose disabilities are so severe or of such nature that gainful employment is not a feasible objective; principal problems of the handicapped; employment of the handicapped within state government and within the teaching profession and other professions; the work of the Texas Education Agency, the State Department of Health, the State Commission for the Blind, the Texas College and University System's Coordinating Board, the Texas Department of Mental Health and Mental Retardation, the Governor's Committee on Aging, the Texas Youth Council, the Texas Department of Corrections, the Texas Commission for Rehabilitation, and other agencies with direct or indirect concern for the handicapped; current efforts in Texas, other states, the Federal government and private industry in rehabilitation, placement and employment programs for the physically or mentally handicapped; and any other matter pertinent to the fuller realization of established state policy on rehabilitation of the handicapped; and, be it further

Resolved, That this study may be considered as part of the state's attempt to comply with the federal requirements for continuing statewide studies of the needs of handicapped individuals and how these may be most effectively met; that the Texas Legislative Council and the appropriate state rehabilitation agency or agencies are hereby authorized to enter into interagency agreements or other contracts necessary for compliance with this federal requirement; that such agreements or contracts may provide for joint funding of the study in such manner as might be consistent with applicable federal law and regulations and in such manner as might be mutually agreed upon by the Texas Legislative Council and the appropriate state rehabilitation

agency or agencies; and that the Texas Legislative Council is hereby authorized to comply with such regulations or guidelines as might be promulgated by the Federal government on the subject of continuing statewide studies of the needs of handicapped individuals; and, be it further

Resolved, That the Council receive assistance in this study from a Citizens Advisory Commission consisting of not less than 14 members, 10 members of which to be appointed by the Chairman of the Council, 2 members of which to be appointed by the Speaker of the House of Representatives from members of the House of Representatives and 2 members of which to be appointed by the Lt. Governor from members of the Senate. The 10 members to be appointed by the Chairman of the Council shall be composed of at least the following: (a) two persons from industry, one representing a business employing 50 or fewer persons and one from a business employing 500 or more persons; (b) one representative of organized labor; (c) two representatives of private organizations concerned primarily with providing rehabilitation and related services to the handicapped, one such organization to be concerned primarily with providing services to persons with visual impairments and one such organization to be concerned primarily with providing services to persons with handicaps of other than a visual nature; (d) one executive from a statewide or national organization recognized for work in the field of educating, training or finding employment for the handicapped; (e) a representative of elementary and secondary education; (f) a representative of higher education; (g) a handicapped person who has had successful business or professional experience; and (h) a distinguished citizen recognized for his concern for and contributions toward rehabilitation of the handicapped; and providing further, that said Citizens Advisory Commission may, if necessary for compliance with applicable federal regulations or guidelines, be expanded to include other appropriate representatives of groups and organizations sincerely concerned with services to handicapped citizens; and, be it further

Resolved, That in view of the recent success of the Federal government in promoting the employment

of the handicapped within the Civil Service System, appropriate representatives of the Federal government be invited to participate in this study in a consultative and advisory capacity at such times as the Council might deem proper; and, be it further

Resolved, That all state agencies providing services or assistance to the handicapped in Texas be instructed to provide such information as may be requested and to cooperate with the Council and the Citizens Advisory Commission in the conduct of the study, such cooperation to include, among other things, assignment of specific staff members to assist with the study upon request; and, be it further

Resolved, That the finding of the Council be published and appropriately distributed; and that the Council report its findings and recommendations, together with drafts of such legislation as it may deem desirable, to the Regular Session of the 62nd Legislature.

The House Amendment was read.

Senator Cole moved that the Senate concur in the House amendment.

The motion prevailed.

House Bill 644 Ordered Not Printed

On motion of Senator Blanchard, and by unanimous consent, H. B. No. 644 was ordered not printed.

Reports of Standing Committees

Senator Strong, by unanimous consent, submitted the following report:

Austin, Texas,

May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to which was referred H. B. No. 767, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STRONG, Chairman
JORDAN
BRIDGES
McKOOL
MAUZY
KENNARD

Senator Hall, by unanimous consent, submitted the following reports:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 1469, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman
WORD

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 1340, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman
WORD

**Senate Concurrent Resolution 65
With House Amendment**

Senator Watson called S. C. R. No. 65 from the President's table for consideration of the House amendment to the resolution.

The President laid the resolution and the following House amendment before the Senate:

Committee Amendment No. 1

Amend S. C. R. No. 65 by striking the second resolving clause at the bottom of page 1 and top of page 2, and substituting in lieu thereof the following:

"Resolved, That the committee shall be composed of 9 members, including 3 Senators, appointed by the Lieutenant Governor; 3 Members of the House of Representatives, appointed by the Speaker of the House; and 3 members of the public, appointed by the Governor; and, be it further"

The House Amendment was read.

Senator Watson moved that the Senate concur in the House Amendment.

The motion prevailed.

Senate Concurrent Resolution 101

Senator Hall, by unanimous consent, moved to adopt S. C. R. No. 101 which was introduced and read on Saturday, May 24, 1969.

Question—Shall S. C. R. No. 101 be adopted?

The resolution was then adopted.

**Senate Concurrent Resolution 89 on
Second Reading**

Senator Mauzy moved to suspend the regular order of business and take up S. C. R. No. 89 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Bates	Hightower
Bernal	Jordan
Berry	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Harrington	Schwartz
Hazlewood	Strong
Herring	Wilson

Nays—10

Aikin	Harris
Blanchard	Ratliff
Creighton	Snelson
Grover	Watson
Hall	Word

Absent

Connally

The President laid before the Senate the following resolution:

S. C. R. No. 89, Memorializing Congress to disregard S. C. R. No. 24 of the 59th Legislature.

The resolution was read.

Pending discussion by Senator Grover of the resolution, Senator Hightower moved the Previous Question on the adoption of the resolution, and the motion was duly seconded.

Question—Shall the Previous Question now be ordered?

The Previous Question failed to be ordered by the following vote:

Yeas—14

Aikin	Harrington
Bates	Hightower
Bernal	Jordan
Berry	McKool
Bridges	Patman
Brooks	Snelson
Hall	Wilson

Nays—16

Blanchard	Kennard
Christie	Mauzy
Connally	Moore
Creighton	Ratliff
Grover	Schwartz
Harris	Strong
Hazlewood	Watson
Herring	Word

Absent

Cole

Question—Shall S. C. R. No. 89 be adopted?

House Bill 709 Ordered Not Printed

On motion of Senator Bates, and by unanimous consent, H. B. No. 709 was ordered not printed.

Senate Bill 417 With House Amendment

Senator Wilson called S. B. No. 417 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Committee Amendment No. 1

Amend S. B. No. 417 by striking the sentence beginning on line 33 with the word "If" and ending with the word "cases" on line 38.

The House Amendment was read.

Senator Wilson moved that the Senate concur in the House Amendment.

The motion prevailed.

Reports of Standing Committees

Senator Aikin, by unanimous consent, submitted the following report:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 1074, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman
HALL
WORD
HIGHTOWER
WILSON
KENNARD
SNELSON
BERNAL
SCHWARTZ

Senator Hall, by unanimous consent, submitted the following report:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 1427, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Senator Creighton, by unanimous consent, submitted the following reports:

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1444, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Austin, Texas,
May 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1471, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

House Bill 1469 Ordered Not Printed

On motion of Senator Hall and by unanimous consent H. B. No. 1469 was ordered not printed.

House Bill 1340 Ordered Not Printed

On motion of Senator Hall and by unanimous consent H. B. No. 1340 was ordered not printed.

House Bill 1133 Ordered Not Printed

On motion of Senator Hall and by unanimous consent H. B. No. 1133 was ordered not printed.

House Bill 742 Ordered Not Printed

On motion of Senator Hall and by unanimous consent H. B. No. 742 was ordered not printed.

House Bill 792 Ordered Not Printed

On motion of Senator Hall and by unanimous consent H. B. No. 792 was ordered not printed.

Senate Concurrent Resolution 89

The Senate resumed the consideration of the pending business, same being S. C. R. 89 on its second reading and final adoption.

Question—Shall S. C. R. No. 89 be adopted?

Pending discussion by Senator Grover of the resolution, Senator Bernal moved the Previous Question on the final adoption of S. C. R. No. 89 and the motion was duly seconded.

Question—Shall the Previous Question now be ordered?

The Previous Question was ordered by the following vote:

Yeas—17

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	McKool
Bridges	Patman
Brooks	Schwartz
Cole	Snelson
Hall	Wilson
Harrington	

Nays—14

Blanchard	Harris
Christie	Hazlewood
Connally	Herring
Creighton	Kennard
Grover	Moore

Ratliff
Strong

Watson
Word

Pending further discussion by Senator Grover of the resolution, Senator Jordan occupied the Chair.

(Senator Hightower in the Chair.)

Pending further discussion by Senator Grover of the resolution, Senator Brooks occupied the Chair.

(Senator Bernal in the Chair.)

Pending further discussion by Senator Grover of the resolution, Senator Moore moved the Senate take recess until 8:00 o'clock a.m. tomorrow.

(President in the Chair.)

Question on the motion to take recess, "Yeas" and "Nays" were demanded.

The motion to take recess was lost by the following vote:

Yeas—5

Connally	Moore
Grover	Strong
Harris	

Nays—16

Aikin	Harrington
Bates	Jordan
Bernal	Mauzy
Berry	McKool
Blanchard	Ratliff
Bridges	Schwartz
Brooks	Snelson
Christie	Wilson

Absent

Cole	Hightower
Creighton	Kennard
Hall	Patman
Hazlewood	Watson
Herring	Word

Pending further discussion by Senator Grover of the resolution, Senator Schwartz occupied the Chair.

Question—Shall S. C. R. No. 89 be adopted?

Presentation of Guest

The Presiding Officer (Senator Schwartz in the Chair) introduced as a guest in the Senate Chamber. The Honorable Preston Smith, Governor of Texas.

Senate Concurrent Resolution 89 on Second Reading

The Senate resumed the consideration of the pending business, same being S. C. R. No. 89 on its second reading and final adoption.

Question—Shall S. C. R. No. 89 be adopted?

Pending further discussion by Senator Grover of the resolution, Senator Connally occupied the Chair.

(Senator Brooks in the Chair.)

Pending further discussion by Senator Grover of the resolution, Senator Strong moved the Senate stand adjourned until 7:45 o'clock a.m. tomorrow.

The motion to adjourn was lost.

Senator Strong raised the Point of Order that there was not a quorum of the Senate present.

The Presiding Officer (Senator Brooks in the Chair) over-ruled the Point of Order, stating that the last roll call showed a quorum present.

Pending further discussion by Senator Grover of the resolution, Senator Moore moved the Senate stand adjourned until 11:30 o'clock a.m. tomorrow.

Question on the motion to adjourn, "Yeas" and "Nays" were demanded.

The motion to adjourn was lost by the following vote:

Yeas—4

Grover	Moore
Hazlewood	Word

Nays—18

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Blanchard	McKool
Bridges	Patman
Brooks	Ratliff
Christie	Schwartz
Hall	Snelson
Harrington	Wilson

Absent

Berry	Herring
Cole	Kennard
Connally	Strong
Creighton	Watson
Harris	

Tuesday, May 27, 1969

Pending further discussion by Senator Grover of the resolution, Senator Schwartz raised the Point of Order that Senator Grover was not confining his remarks to the subject of the resolution.

The Presiding Officer (Senator Brooks in the Chair) sustained the Point of Order and requested Senator Grover to confine his remarks to the subject of the resolution and stated that this was a First Warning.

(President in the Chair.)

Pending further discussion by Senator Grover of the resolution, Senator Moore moved that the Senate stand adjourned until 11:30 o'clock a.m. today.

The motion to adjourn was lost.

Pending further discussion by Senator Grover of the resolution, Senator Aikin occupied the Chair.

(President in the Chair.)

On motion of Senator Mauzy and by unanimous consent, S. C. R. No. 89 was set for Special Order at 10:00 o'clock a.m. on Wednesday, May 28, 1969.

Question—Shall S. C. R. No. 89 be adopted?

Memorial Resolutions

S. R. No. 919—By Senator Hightower: Memorial resolution for Sergeant Lee Roy Hodges.

S. R. No. 920—By Senator Hightower: Memorial resolution for Pfc. Paul William Motley.

S. R. No. 921—By Senator Hightower: Memorial resolution for Bobby Ray Williams.

S. R. No. 922—By Senator Hightower: Memorial resolution for Pfc. Felix Dennis Ridge.

S. R. No. 923—By Senator Hightower: Memorial resolution for Specialist 4 Jesse Don Morris.

S. R. No. 924—By Senator Hightower: Memorial resolution for Specialist 4 Freddie Williams.

S. R. No. 925—By Senator Hightower: Memorial resolution for Specialist 4 Robert Garcia.

S. R. No. 926—By Senator Hightower: Memorial resolution for Pfc. Oliver Eugene Reynolds.

S. R. No. 927—By Senator Hightower: Memorial resolution for James R. Webster, Jr.

S. R. No. 931—By Senator Watson: Memorial resolution for Mrs. Winston Liles.

S. R. No. 943—By Senator Hall: Memorial resolution for Walker M. Jagoe.

Welcome and Congratulatory Resolutions

S. R. No. 915—By Senator Aikin: Extending welcome to Joe Agnew of Austin.

S. R. No. 916—By Senator Watson: Extending welcome and privileges of the floor to Carl Riley of Temple.

S. R. No. 917—By Senator Watson: Extending welcome and privileges of the floor to Mr. and Mrs. Zack Belcher of Waco.

S. R. No. 918—By Senator Watson: Extending welcome to Otis Gardner of McGregor.

S. R. No. 928—By Senator Schwartz: Extending welcome and privileges of the floor to Gene Smith, et al.

S. R. No. 929—By Senator Herring: Extending welcome to Mrs. F. W. Elliott, Sr.

S. R. No. 930—By Senator Watson: Extending welcome and privileges of the floor to Reverend L. C. Browning.

S. R. No. 932—By Senator Watson: Extending welcome and privileges of the floor to Mr. and Mrs. Dave Copeland and family of Waco.

S. R. No. 935—By Senator Wilson: Extending appreciation to Mrs. Kenneth Dixon on her selection as Jacksonville "Mother of the Year."

S. R. No. 936—By Senator Wilson: Extending appreciation and best wishes to Sergeant Billy R. Burgess on his retirement.

S. R. No. 941—By Senator Wilson: Extending appreciation to Dr. Le Roy McClendon on his retirement.

S. R. No. 942—By Senator Watson: Extending welcome and privileges of the floor to Mr. and Mrs. David Herrin.

Recess

On motion of Senator Connally the Senate at 3:00 o'clock a.m. took recess until 8:00 o'clock a.m. today.

APPENDIX

Sent to Governor

May 26, 1969

S. B. No. 54

S. B. No. 170

S. B. No. 310

S. B. No. 382

S. B. No. 387

S. B. No. 491

S. B. No. 546

S. B. No. 571

S. B. No. 706

S. B. No. 744

S. B. No. 772

S. B. No. 788

S. B. No. 799

S. B. No. 808

S. B. No. 809

S. B. No. 803

S. B. No. 818

S. C. R. No. 97

S. C. R. No. 98

SEVENTY-SIXTH DAY

(Continued)

(Tuesday, May 27, 1969)

After Recess

The Senate met at 8:00 o'clock a.m., and was called to order by Senator Hall.